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OCT 30

FIRE IN EAST BAY
Alexander Cockburn
See Page 578

EDITORIAL

PRESUMED INNOCENT?

Overlooked in the welter of claims and counterclaims swirling about Anita Hill's charges against Clarence Thomas was a key document that goes to the heart of the issue of whether she met some nebulously defined "burden of proof." That document contains the guidelines for sexual harassment cases at the Equal Employment Opportunity Commission. They were promulgated by Thomas himself while he was chairman.

On October 25, 1988, Thomas gave his signed approval to a set of guidelines "defining sexual harassment . . . in light of recent cases." On page 12 these words appear: "If the investigation exhausts all possibilities for obtaining corroborative evidence, but finds none, the Commission may make a cause finding based solely on a reasoned decision to credit the charging party's testimony." Appended to that passage is this footnote: "The Commission stated [previously] that a 'bare assertion' of sexual harassment 'cannot stand without some factual support.' To the extent this decision suggests a charging party can never prevail based solely on the credibility of her own testimony, that decision is overruled."

The E.E.O.C. document was passed on to us by David Rubin, who came across it at a sexual harassment conference at Syracuse University, where he is dean of the S. I. Newhouse School of Public Communications. Rubin asks why neither the mainstream media nor the Senate Judiciary Committee bothered to check out the commission's own rules for handling allegations like those Anita Hill brought against Clarence Thomas.

Good question. Suppose after all those frustrating hours that failed to produce corroborating evidence, one of the feckless Democratic senators had managed to screw up his courage and say: "Well, Judge Thomas, how do you respond to this passage from the sexual harassment guidelines

(Continued on Page 593)

SOVIET CENTRISM
Ronald Suny

WHO WAS LYNCHED?
Nell Irvin Painter

AIDS CAPS
Sarah Henry

MY SPY
Amitai Etzioni

JOSEPHINE HERBST
Jan Clausen

KLINGHOFFER
Edward W. Said

MILES DAVIS
Gene Santoro

LETTER FROM EUROPE

POLAND'S NEW MEN OF PROPERTY

DANIEL SINGER

Warsaw

On Sunday, October 27—the future as I write this—the Poles will elect their two houses of Parliament, for the first time in an entirely free vote. For the 460 seats in the Sejm they will choose from among 7,021 candidates on twenty-seven national party lists and a number of regional ones in a complicated system of proportional representation. For the 100 senators they will pick among 613 contenders. Is it not a triumph of democracy? Nobody in Warsaw seems to think so. Poland is catching up with America in this unwelcome respect: Half the electorate is expected not to go to the polls. The vote may be so dispersed that it will be difficult to muster a majority even for a coalition, and that should strengthen the hand of President Lech Walesa. With Solidarity's capital of good will exhausted and discontent rising—as unemployment exceeds 10 percent and will top 15 percent next year if the trend is not reversed, as real wages decline and the depression deepens—the market euphoria is over. The days when Leszek Balcerowicz, the Finance Minister and darling of the International Monetary Fund, was the Eastern miracle maker and Professor Jeffrey Sachs his successful Western salesman—those days are gone.

I went to Poland, the pacesetter in the Eastern European race toward capitalism, to see how within a few years a country is supposed to crystallize a class, the bourgeoisie, that in the West took centuries to emerge from the feudal womb. Or, to put Galsworthy into plural, I went to look at the new men of property. In the process I saw the gap between the new political parties and the social groups they are supposed

(Continued on Page 590)

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LETTERS.

THE JEWISH VOTE

New York City

I have problems with Jim Sleeper's Jewish chauvinism ["Blacks and Jews," Sept. 9]. He claims Jews gave more, "individually and collectively, in dollars, votes or moral witness, to black struggles for justice" than any other "white group." Was that really true of the abolitionists? His contemporary example is equally potted: "Jews have always supported black candidates at rates double those of other white groups—even in David Dinkins's 1989 victories over Edward Koch and Rudolph Giuliani."

According to the September 14, 1989, *New York Times*, only 26 percent of Jewish voters went for Dinkins, against 65 percent for Koch. And 26 percent is not "double" the Italian 17 percent. According to the November 9, 1989, *Times*, only 35 percent of Jews went for Dinkins against Giuliani, while 37 percent of Eastern European ethnics voted for Dinkins. And 35 percent is not "double" the Irish 27 percent or the white Protestant 27 percent or the Italian 23 percent.

Let's break down that Jewish vote. Very few were supporters of "black struggles for justice." Most were just traditional Democrats voting for a Tammany hack. Others were typical liberals who voted for Dinkins only as a lesser evil than Giuliani. Many rich Jews were for Koch in the primary and then backed Dinkins. The October 29, 1989, *Times* spoke for them when it editorialized that budget cuts were coming and Dinkins would be better able than Giuliani to "sell sacrifice" to blacks. Other Jews poured money into Dinkins's campaign only because they wanted "access" to the future mayor. Dinkins, it will be recalled, was a nonstop demagogue in pursuit of Jewish votes. He refused an endorsement from an Arabs for Dinkins committee; he praised Israel in spite of the torture in the occupied territories and the flow of arms to South Africa. Surely some Jews voted for him because it was "time" for a black mayor, and they could live with this type of black.

Sleeper can't point to a thing that "most" Jewish or white gentile liberals are doing for the black masses except voting for characters like Dinkins, a Democratic clubhouse lawyer fond of thousand-dollar suits and with a virtually invisible record during the civil rights and subsequent struggles. Yet he presumes to tell "decent" blacks they will "suffer" unless they repudiate Leonard Jeffries. How so? Because Sleeper & Co. will stop voting for pols like Dinkins? Conditions for blacks won't change one whit, whether such "moral witnesses" vote for or against political fauna like New York's Mayor. *Lenni Brenner*

BLACK SIDE OF THE FENCE

San Francisco

Recently I was condemned by many Jews for defending Leonard Jeffries's right to be heard, in a letter to *The New York Times*. I didn't defend his anti-Semitism. I defended his right to engage the public in an open debate and get the black-Jewish rift out in the open. In Nat Hentoff's *Village Voice* column I candidly elaborated my opinion of why black anti-Semitism exists. Thus, I read Jim Sleeper's editorial with special interest, also piqued because Sleeper is a friend who served as my Op-Ed editor at *New York Newsday*. The gist of his piece asks how blacks can be so angry at Jews when Jews, among all whites, have been our most steadfast allies. But I say to Jim, What difference does that make, if in the end most Jews consider themselves to be white and so on the opposite side of the fence from us blacks?

I don't believe blacks express anger at Jews because we feel Jews are easy targets since they listen to us. We express anger because when push comes to shove, too many Jews want as little to do with us as do other whites. Yet they also want us to recognize their oppression. For those of us who are at the bottom of all the totem poles, Jewish oppression—particularly in light of Jewish economic power—is very difficult to visualize.

Despite Jewish wealth, there is still strong anti-Semitism in America—in the entire world, for that matter. And clearly Jewish anger revolves around fears that any perceived slight to Jews, no matter who levels it, fuels anti-Semitism, no matter who expresses it—white gentiles, blacks, Europeans, etc. We blacks are simply not sensitive to that. Jewish wealth and Jewish ability to be accepted as white foment black blindness.

It's an unfortunate standoff, which I believe will be healed only when America truly attempts to become color-blind. More Jews denounce the concept of whiteness, and more blacks must let go of fears that embracing whites will lead to loss of blackness—a concept we have yet to define clearly anyway. But before that is done we must understand the source of each other's pain. From the black side, I think it comes from the belief that Jews have gotten over and left us behind. The ease with which they present themselves as targets of our anger has little to do with this mess. *Hugh Pearson*

SLEEPER REPLIES

New York City

Lenni Brenner may have problems with my "chauvinism," but since I clearly presented two sides of the story, while he fudges figures to push his own very one-sided view, I have problems with his integrity. In the *Times*'s ethnic breakdown for the general election, "Eastern Europeans" are overwhelmingly Jews (Jews are not otherwise listed in that table). Where, then, did Brenner find the 35 percent Jewish vote for Dinkins? In another table, on religion, where we learn that 18 percent of white Catholics (i.e., Irish, Italians and Poles, the city's actual white ethnics) voted for Dinkins. So Jews voted for Dinkins at roughly double the rate of white ethnics. Sorry about missing WASPs, but they're a minuscule, elite portion of the city's electorate, something not true of the Jews, Brenner's vile stereotypy to the contrary notwithstanding. New York City has 3,000 Jewish police officers and tens of thousands of Jewish cabdrivers, clerks, teachers and shopkeepers. Their historic support for black candidates deserves credit, and its recent erosion is neither a surprise nor a shame, given the psychodramatic, racialist cast of recent black protest politics.

With intentions far more honorable than Brenner's, Hugh Pearson misunderstands and mischaracterizes my essay. My "gist" wasn't to ask how blacks can be so angry with Jews; I showed precisely how and why they can be. Nor did I write that blacks get angry at Jews because they find Jews easy targets; I wrote that Jeffries and his followers do that. Pearson shouldn't take it personally.

I also wrote that the peculiar intimacy of Jews and blacks, which has included more sympathetic relations and alliances than between blacks and other white groups, is worth understanding, not trashing. Pearson *should* take this personally, since his own first breaks into print, with sustained encouragement and assistance from me, and another editor, who is Jewish too, are part of that story. To suggest that this makes no difference, since "in the end most Jews consider themselves to be white and so on the opposite side of the fence from us blacks," is to reduce a part of Pearson's own life experience and mine to caricature. That's what chauvinism does to people, and that's what we should learn to detect and resist in any argument. *Jim Sleeper*

UNCOMMON SENSE

Washington

Katha Pollitt's essay on reading, "Canon to the Right of Me . . . " [Sept. 23], offers a wise escape from the tedious canon debate. Her uncommon common sense reminds us what it should mean to be "well educated." Finally, a writer on the left whose politics does not war with her passion for good literature in all its shapes and flavors! One piece by Pollitt is worth a truckload of Blooms, Derridas and their myriad pretenders. *Michael Kazin*

MOST TRIUMPHANT, DUDE!

Cincinnati

Solotaroff on *Iron John*: "a serious, groundbreaking book" ["Captain Bly"]. Klawans on *Bill & Ted's Bogus Journey*: "the most ambitious work of the imagination that America has produced in recent years" ["Films"]. Did you make a mistake with your September 9 issue? It should have been dated April 1. *Norman and Kathy Finkelstein*

The Nation welcomes letters—typed, double spaced and no longer than 300 words, please.

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CONTENTS.

Volume 253, Number 16

LETTERS
574

EDITORIALS
573 Presumed Innocent? *Richard Pollak*
575 Tricky Dick
576 Soviet Centrism *Ronald Suny*
577 Who Was Lynched? *Nell Irvin Painter*

COLUMNS
577 On David Duke *Calvin Trillin*
578 Beat the Devil *Alexander Cockburn*
580 Beltway Bandits *David Corn*
581 Lawyer's Yoke *Edward Sorel*

ARTICLES
573 Letter From Europe: Poland's New Men of Property *Daniel Singer*
582 Health Insurance Caps: Redlining People With AIDS *Sarah Henry*
586 My Spy: Coming In Out of the Cold War *Amitai Etzioni*

BOOKS & THE ARTS
594 Herbst: The Starched Blue Sky Of Spain *Jan Clausen*
596 Music *Edward W. Said*
600 Music *Gene Santoro*
603 Elk-Hair Caddis (poem) *David Jauss*

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EDITORIALS.

Tricky Dick

The upcoming election in Pennsylvania for the U.S. Senate seat left vacant by ketchup heir John Heinz, who died in a plane crash, cannot be regarded as a referendum on the Bush years. Candidate Dick Thornburgh, former U.S. Attorney General and also former Governor of Pennsylvania, starts with a commanding lead in name recognition and fundraising against his Democratic opponent, Harris Wofford.

Still, the symbolism can't be ignored. Thornburgh is the latest in a line of Reagan-Bush attorneys general who have degraded the office and illustrated the contempt in which the past two administrations have held the courts, the Justice Department and justice itself. Although originally hailed as a moderate, the crassly opportunistic Thornburgh had in common with his predecessors, the undistinguished William French Smith and the ethically slippery Edwin Meese 3d, a willingness to pack the courts with far-right ideologues and to sacrifice civil liberties and other constitutional imperatives for partisan political interests.

As Attorney General, Thornburgh undermined the possibility of a meaningful civil rights bill, supported the diversionary and dangerous constitutional amendment to ban flag burning, pandered to the antiabortion movement, particularly regarding the Operation Rescue action in Wichita, Kansas, and has generally gone along with the chipping away at constitutional protections for the poor and dispossessed. At the same time, he has obstructed Congressional inquiries into

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White House crime. One notable instance of this was the Justice Department's refusal to turn over documents related to the Inslaw scandal, in which it is accused of unlawfully appropriating software created to help track criminal cases. Obsessed with leaks, Thornburgh imposed and enforced a gag order that prevented department employees from speaking with the press. He fought independent counsel Lawrence Walsh's attempt to bring the Iran/*contra* culprits to justice, and by and large his department missed the B.C.C.I. boat. It is fitting that as he left the department he made a compact with a Pittsburgh law firm, Kirkpatrick & Lockhart, that has the appearance of a fat sinecure in return for favors on the Hill should he ever arrive in Congress. *Legal Times* has exposed the unsavory aspects of this latest connection.

Harris Wofford presents a clear alternative. Wofford, who as an aide to candidate John Kennedy persuaded him to call Coretta Scott King when her husband was in jail during the 1960 presidential campaign, represents the best of the complicated Kennedy legacy. Wofford was Kennedy's special assistant on civil rights and a Chester Bowles Democrat; he studied Gandhi's philosophy of nonviolent resistance before going to work for Ambassador Bowles in India and emerged as a civil rights activist and a founder of the Peace Corps, which he served as associate director and in Ethiopia. Wofford, who is running a hard-hitting campaign, is a good opponent to teach the lesson that if you cast off principles to make good in Washington, you shouldn't be allowed to go home again.

Soviet Centrism

The empire has exploded and the Soviet Union as we have known it is dead. But the expectation that fifteen fully independent states will replace it fails to take account of the deep structures that hold many of the pieces of the former empire together and of the nature of "sovereignty" in the post-cold war world. The stark legacies of empire—economic dependence on the center and other republics, the incompleteness of state formation in the former Soviet republics and the intellectual, even emotional, ties to the evaporated union—were evident on October 18 when eight republics signed an accord setting up an economic community.

The West has focused disproportionate attention on the creation of fully separate and sovereign states in the Baltic republics and on the Ukraine's repudiation of the treaty. Certainly, the Baltics' advantageous geographical position and their relatively more developed economies give them the greatest chance for independent evolution. Even here, however, the highly integrated and specialized nature of the Soviet economy requires Vilnius, Riga, Tallinn and Kiev to coordinate their economic decisions with fuel-rich Russia and the other republics. Furthermore, the Ukraine's decision to reject the proposed economic union should be viewed as an attempt to wring more economic concessions from other republics and the center, and as political maneuvering on the part of the Ukraine's Russified leaders, who are eager to acquire the mantle of legitimacy in preparation for a divisive presidential election this December.

As long as the Communist state was the principal obstacle to self-government, economic revival and links to the West, sovereignty and independence were potent strategies. But with the collapse of the center, the need for some kind of central coordination has been widely recognized, both in Russia and in the most economically vulnerable republics. With the suicide of the old forces of order (the army, the K.G.B., the Ministry of the Interior and the central Communist bureaucracy), which had held the U.S.S.R. together in the past few years, Gorbachev remains, symbolically and actually, an alternative to the collapse of compromise and negotiation. Operating on sheer will and political skill, he pieced together a treaty acceptable to those republics that desire some form of economic integration.

The desperate need of the poorer republics for assistance from the richer ones in a complexly integrated and highly specialized economy seems to have pulled many of them back from the brink of full independence. Yet an intense struggle about the future shape of the union is under way—not only among republics but among the governing elites and in the nationalist movements within the republics. Since the coup attempt, the national intelligentsias and popular nationalist forces that want no compromise on full nationhood have become increasingly influential. Frightened by the rise of Russia and Boris Yeltsin's new authority, they worry that economic community will lead to political confederation and a new colonialism.

On the other side, ethnic minorities, Russified native elites, diaspora Russians and the weaker republics calculate that it is to their comparative advantage to continue in some form of economic and political community. The Western industrial powers also support economic union as the most reliable path to economic revival and obstacle to interethnic conflict.

As they push for independence, the republics are working with antiquated notions of sovereignty that have long been superseded by the transnational nature of modern capitalist economies and the hegemonic power of the United States. Although the rhetoric may be shrill and uncompromising among the advocates of full independence, the economic, political and strategic benefits of a decentralized "union" still exert a strong pull. In brokering a temporary agreement between Armenia and Azerbaijan over the disputed Armenian enclave of Nagorno-Karabakh in Azerbaijan, Yeltsin and Kazakh President Nursultan Nazarbayev demonstrated that some functions of a "center" might now be performed by inter-republican delegations and committees. Whether bilateral or center-periphery, agreements leading to closer cooperation are proving unavoidable.

As Europe evolves toward a new suprastate form of economic and political integration, the constellation of states that we once called the Soviet Union faces fierce competition in a hostile global arena. The need to maximize their limited resources and keep the peace in a fracturing multinational polity may very well lead most of them, reluctantly and resisting all the way, toward bitter acceptance of greater unity.

RONALD SUNY

Ronald Suny is Alex Manoogian Professor of Armenian History at the University of Michigan.

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Who Was Lynched?

In the second part of the Clarence Thomas confirmation hearings, Orrin Hatch and Thomas manipulated what Americans remember of racism and ignored what most Americans have forgotten about women in that same past. The Hatch and Thomas performances did not have black women in view. Any American with a sense of history understood the connotations of Thomas's claim that he was a lynch victim, casting the fourteen white men of the Senate Judiciary Committee as his lynch mob. The lynch victim is an easily recognizable character in our tragic racial past. This character is, like Thomas, black, male and Southern, identities that reflect the actual practice of lynching. Here are a few facts on the matter: During Reconstruction lynching functioned as a means of crushing freedmen's political mobilization. After Reconstruction it was used to terrorize Southern blacks who transgressed the economic or social mores of white supremacy. Part of a larger phenomenon, the casual slaughter of the poor, lynching in the South has been aimed at the powerless. Lynch victims have not been the protégés of Presidents and senators. Since figures began to be kept in 1882, 82 percent of lynchings have occurred in the South, where 84 percent of its victims were black and 95 percent male. From 1882 until the early 1950s, reports show, 4,739 people died at the hands of lynch mobs; the actual number may approach 6,000. The state that ranks first in lynchings—Mississippi, with 581 deaths, of which 539 were black—is also a symbol of everything benighted and impoverished in American life.

Southern historians often speak of a rape-lynch syndrome, since the most popular rhetorical justification for such murders was the rape or attempted rape of white women. This excuse, however, did not hold up under scrutiny, as a courageous black journalist, Ida B. Wells, discovered in the 1890s. Black lynch victims were accused of rape or attempted rape only about one-third of the time. The most prevalent accusation was murder or attempted murder, followed by a list of infractions that included verbal and physical aggression, spirited business competition and independence of mind. But the association of lynching with rape persists, and even today to mention lynching is to sound the themes of race and sex. Its three emblematic figures are the white woman (the rape victim), the black man (the lynch victim) and the white man (the avenger of the white woman and the black man's murderer). This drama has been playing in American popular culture since the late nineteenth century and is encapsulated most neatly in D.W. Griffith's 1915 film, *The Birth of a Nation*.

Just as the rape-lynch scenario lives on in the minds of Americans (*vide* Willie Horton), so a countertradition of disbelieving that scenario also exists among blacks and well-intentioned whites. Clarence Thomas drew cynically on this countertradition. Casting himself as the black lynch victim was a move that made him the undeserving beneficiary of guilt over our bloody past. But what of the invisible figure in this tableau? It is not by accident that in both the rape-lynch set piece and in Thomas's recitation, one figure in Southern society is missing: the black woman.

The black woman's part in the drama (as opposed to the actual history) is usually ignored. Clarence Thomas's little play of a conspiracy of white liberals against his brave, black self caused Anita Hill to vanish completely. Neither prostitute nor welfare mother, Hill, an educated black woman, is hard to fit into clichés of race. As the emblematic woman is white and the emblematic black is male, black women generally are not as easy to cast symbolically. Consider the forgotten figure of Bessie, the first murder victim of Bigger Thomas in Richard Wright's novel *Native Son*, which we recall only as the story of a racial crime with a white woman as victim. Consider the nameless black women Eldridge Cleaver, who wrote *Soul on Ice*, raped for practice before attacking white women and ending up in prison. Just as there is an overlooked drama of victimized black women, there exists an actual, neglected history.

Sexual violence against black women has outlasted slavery and segregation. Since the seventeenth century, black women have been triply vulnerable to rape and other kinds of violence: as members of a stigmatized race, as the subordinate sex and as people who work for others. Even though the testimony is abundant and available in two centuries' worth of black women's autobiographies and novels, black women's condition barely enters the drama of race. Why not? The reasons abound, but I will mention only three: First, as women, black women are discounted within their race, as witnessed by such cultural productions as men's rap. Second, as blacks, black women are hesitant to speak up loudly, lest they endanger racial unity, for issues of gender are deeply divisive. Third, and most important, race is less salient, as sexual violence against black women indicts black as well as white men.

When a black woman accuses a black man of sexual harassment, there is no racial angle. But the racial angle was absolutely necessary in order to obscure the case and preserve Thomas's nomination. Cognizant of Americans' susceptibilities, conservative Republicans once again staged a drama of racial stereotype. This time black as well as white Americans seem to have believed their little show.

NELL IRVIN PAINTER

Nell Irvin Painter, Edwards Professor of American History at Princeton University, is writing a biography of Sojourner Truth.

★

On David Duke

The G.O.P. will now rebuke
Republonazi David Duke:
"He's not like us, this racist kook,
This kook we long ago forsook."
"And Willie Horton?" "Just a fluke."

Calvin Trillin

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BEAT THE DEVIL.

The East Bay Fire

The night of the worst urban fire in California's history I drove across the Bay Bridge from the San Francisco side at around 9 P.M. and met the warm, slightly acrid smell of wood smoke about halfway over. Directly ahead, through the superstructure of the bridge, I could see a glow up the hillside, red at its heart and then darkening into a smoky crimson at the fringes, like a Turner watercolor.

At that point, for the first time, the radio reporters of KCBS, an all-news station, were beginning to talk tentatively about a slowdown in the fire's intensity. The airports around the bay were reporting near-zero wind velocity, and though this meant that humid sea breezes weren't blowing in from the Pacific, the flames were no longer being whipped by fierce Northeasterlies—Santa Anas—coming in from the Central Valley, tearing through the canyons and ravines at forty to fifty miles an hour, driving down the humidity as low as 10 percent, leaving acre after acre of some of the highest-priced real estate in Northern California ready to explode.

The fire got its start on Saturday in some grassland near the Caldecott Tunnel. The Oakland Fire Department hosed down the flames, left its equipment in place Saturday night and didn't come back in force until Sunday morning. The hot winds came slashing down off the East Bay hills and within minutes the fire had jumped past them and was on its way. Later, amid the embers and the recriminations, the Fire Department began to insist that its vigilance had been increasing but that nature had been altogether too crafty and unscrupulous, its behavior akin to what Robert Reinhold, the *New York Times* reporter, termed in the aftermath the "natural insult" of the drought that caused the fire in the first place.

On the journey up from Watsonville I'd been listening to KCBS, ruminating on the impoverished descriptive powers of its reporters in the field. They should have sent some folks from the sports desk. The correspondents I heard leaned almost exclusively on "awesome" and "inferno." This shriveled vocabulary became almost intolerable, particularly as the reporters strained for fresh descriptive ammunition and then, after a pause, fell back on the old standbys. I suppose they felt inhibited by television, not only because they had spent their lives having images conjured up electronically instead of by words but also because they knew that what they were trying to describe was then being witnessed by millions of television viewers.

The flames started roaring through the East Bay hills from near the tunnel and were watched at first with comparative equanimity by motorists and residents, who were soon to realize that for them the fire was this time and death a presence only a couple of blocks or minutes away.

The neighborhoods of Claremont, Montclair and Rockridge contain enormously expensive houses, creeping up the hillsides, perching over narrow ravines, patchworking themselves up toward the ridges. Decade upon decade the Bay Area's realtors have grazed prosperously off the dreams of the upwardly mobile. The Claremont Hotel itself, featured all through Sunday as the point of desperate resistance to the fire's westward march, was completed in 1908 as a giant billboard to advertise the joys of high-priced East Bay real estate. Realtors would put up clients in the hotel as their homes were being built. It was right here, around 1910, that exclusionary-use zoning was born. The fortunes of those now homeless from the blaze—the old rich, the new rich, those who inherited and those who amassed their wealth in the Reagan-Bush years—were points on a speculative curve that began to rise a century ago.

Earthquakes tend to favor the rich, whose houses have secure foundations. The shacks and tract houses of the poor jump off their piers and break their backs. After the Loma Prieta earthquake of October 1989, which rippled out from its epicenter in the Santa Cruz mountains, one could see clearly in a town like Watsonville how prudent but necessarily more costly foundations could save a house. The rich in the Marina district in San Francisco who lost homes in that quake did so because the real estate industry had exploited entirely unsuitable landfill and because budgetary cutbacks had reduced maintenance crews capable of turning off gas mains and the like. But though one would not have known it from most of the press, the rich were not the prime victims of Loma Prieta. In the First World, though not the Third, fires and mudslides are what bring the rich their appointments in Samarra. Thus fortune doth, once in a while, make beggars of us all. Down on the poorer flatlands there are wider streets along which fire engines can swiftly deploy. The backyards are not thick with underbrush, shrubs and tall trees, most especially bluegum eucalyptus.

Eucalyptus as Villain

Every drama needs a villain and throughout Sunday evening there were some scattered references to "looters," the insinuation being that even amid this tragedy there were people of a moral caliber so low that they would not shrink from preying upon such suffering. This gesture toward Oakland's poor black population was reminiscent of the furious reaction of the Oakland Police Department during the earthquake, when black residents trying to help motorists trapped in their cars were automatically identified as preyers. But the looters seem to have been phantoms, just like the arsonists invoked in the fire's aftermath as if in recognition that the class geography of the Bay Area demanded, as a matter of artistic symmetry, the presence of human villains in the business of depriving rich people of their homes.

The true villain of the hour, invoked rather like "snipers" in an urban riot, though with more respect for truth, was something supposedly natural—the eucalyptus, a name whose etymology ironically evokes covering, concealment, even protection, just as "California" has its origin in the Mexican view that the place was a "hot oven." California has always been a hot oven, long before the greenhouse effect was born or thought of, and indeed the state's geographic ecology—Mediterranean chaparral—is fire-adapted, with many plants and trees requiring intense heat for the germination of their seeds. In the natural order of things fire is essential for the processes

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ALEXANDER COCKBURN

of regeneration. In former times the landscape had to wait for lightning or spontaneous combustion. Today a cigarette or campfire ember does the job.

The East Bay fire, like many before it, owed much of its fuel to the strategies of nineteenth-century forestry, as is so well described in Stephen Pyne's *Fire in America*. Logging and mining had left many a watershed stripped of its forest cover. There was a belief at the time that reforestation would increase rainfall. Sound forests would thus protect the watersheds and assist in the irrigation necessary for economic development of the West.

The eucalyptus was first imported from Australia in 1856 as an ornamental curiosity. Within a quarter of a century the antipodean timber had become the object of a speculative mania. There were already worries about a timber shortage. The speculators touted eucalyptus plantations as a means for selling both land and wood. Pyne writes that the eucalyptus frenzy is rivaled only by the tulip mania in seventeenth-century Holland. In Southern California the trees were planted as windbreaks for citrus plantations, in Central California as sources of fuel, furniture and timber. Railroads saw the quick-growing wood as a raw material for ties, and the bark was advertised as a cure for malaria. The University of California issued a handbook about the tree's virtues.

The eucalyptus bubble burst just as Bay Area real estate was beginning to boom. It turned out that there were more than 700 species of eucalyptus, and the species blanketing California by the millions was most definitely the wrong one. The twisted wood was commercially useless. Oily and volatile, it was also a serious fire hazard. A cold snap could make it die back, leaving a dried-out trunk and leaves as a natural firebomb.

The eucalyptus of California claimed its first major disaster in 1923. A freak snowstorm left broken branches strewn about, and an ensuing fire burned down half of Berkeley. Only a change in the wind saved the other half. The neighborhood associations in places like Montclair and Rockridge failed to study the pyrophoric history of the eucalyptus. As the East Bay fire was raging I heard a seemingly well-informed citizen on a call-in radio show claim that these associations made rules strictly limiting the cutting of such trees, along with other timber and shrubs. No doubt their members cherished the sense of wildness in their urban sanctuaries. The trees protected, embowered, soared in the gray-green silhouettes of *rus in urbe*. They were, nonetheless, the agents of inferno.

A dry eucalyptus doesn't so much burn as explode. That Sunday afternoon and evening the fire leaped from tree to tree, all parched as paper on a hearthstone. In the end some 1,770 acres were incinerated and with them more than 3,000 houses and apartments. The beautiful and the vulgar blazed alike, wood-shingled structures with shake roofs built by Maybeck in the late nineteenth century; spec palaces of more recent vintage. One mansion shown extensively on television as it fell to the flames, and perceived by many to be a venerable pile, turns out to have been raised within the year and was still awaiting its owner. To these costly residences, crammed up the hillsides, the fire trucks could scarcely penetrate and when they did the firemen stood uselessly with dry hoses in their hands, the reservoirs already emptied.

Up in Smoke

I turned off the Bay Bridge and headed north up into the Berkeley hills, which a few hours earlier had themselves faced evacuation. Just as Dick Walker, who teaches at U.C. Berkeley, was outlining to me some of the social geography of the disaster, his neighbor came by looking for decongestants. He was sheltering a refugee, Rand Langenbach, an architectural historian and co-author of *Amoskeag*, an elegy to the nineteenth-century mill town of Manchester, New Hampshire. At 1:30 that afternoon Langenbach—someone who had campaigned fiercely to protect earthquake-damaged brick buildings from the wrecker's ball—had watched helplessly as 35,000 photographic slides of nineteenth-century buildings burned blue when his house went up and, as was happening all around the East Bay, his history turned to ash.

Twenty-three people perished, and their names are recorded. Many more nearly died as they made one last effort to retrieve something from the fire. What to take as the flames draw near? John McPhee, someone reminded me after the fire, has an absurd story in one of his books, which he tells apparently in all seriousness, about rich residents of the Los Angeles canyons who keep an emergency pack of valuables and cherished items right by the front door ready to be seized in the moment of flight from fire or flash flood. Back during the Troubles in Ireland the Republicans came to a fine Anglo-Irish house whose owner was absent in England and told the butler that they planned to burn it down. The servants had one hour to take out whatever possessions and valuables they thought most worth rescuing. The butler conferred with the rest of the staff. The place was stuffed with rare things. They decided that what the master most liked was to play billiards. They made haste to the billiard room and, by the time the Republicans set fire to the house, had managed to unscrew one leg of the billiard table and carry it out to the lawn.

People mostly think of pets or family photographs these days. The television did not show the newly homeless stumbling to safety with the family oil by Remington or Picasso under their arm. No one will ever know—though the insurance adjusters will get nearest the truth—how much history went up in smoke. In the days that followed I heard of one major private collection of pre-Columbian objects that had gone, of some libraries stuffed with rare things. Fire is final. Even the ancient history submerged by such dams as Aswan exists beneath the waters. But a pot once carried by an Aztec, a vase from the Ming Dynasty, are forever gone. And that abrupt termination of their presence on earth and in history has poignancy. Here was the Aztec pot, entombed, uncovered, smuggled, bought, resold, hoarded in its East Bay fortress, traveling down through time in all its manifold reincarnations, suddenly volatilized at 1,200 degrees Fahrenheit, conclusively part of *temps perdu*.

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BELTWAY BANDITS.

DAVID CORN

■ Cloaking the C.I.A.

As Robert Gates calls for more "openness" at the C.I.A., the agency has won an important round in a battle for more secrecy. Robert Maxwell, an official at First National Bank of Maryland in the early to mid-1980s, handled the account for Associated Traders Corporation (A.T.C.), which transferred millions of dollars through the Cayman Islands and Panama as part of weapons deals [see "Beltway Bandits," February 4]. He claims that his superiors told him A.T.C. was a C.I.A. front, that the A.T.C. account was put under his name and that when he asked for a memorandum authorizing the unusual transactions, bank officials threatened him, pulled him off the account and damaged his career. Maxwell sued the bank, A.T.C. and unnamed C.I.A. officials. When his lawyers questioned the bank officers, they refused to discuss any links they might have to the agency. When a judge ordered them to respond last year, a legal team from Langley rushed in. The C.I.A. argued that to protect national security it had to insure that its connections to private individuals and companies never be confirmed or denied. It demanded that the court prevent Maxwell from presenting at trial any evidence—even if it was gathered independently—that connected the bank, A.T.C. and the C.I.A. In essence, the agency asked for blanket immunity, under which it could never be linked in court to a front and thus never be held accountable for any wrongdoing conducted by a front.

The federal judge handling the case turned this issue over to a magistrate judge, Catherine Blake, who recently gave a recommendation. The news was not good for Maxwell. Blake accepted the C.I.A.'s argument that any acknowledgment or denial of a relationship between the Company and A.T.C. (or any front) would compromise national security, inhibit the C.I.A.'s recruitment of new sources and allow foreign intelligence services to discover its methods of operation. Blake's decision, based in part on secret affidavits filed by the C.I.A. and not shared with Maxwell's attorneys, does suggest an association between the agency, the bank and A.T.C., which closed down. But Blake would completely forbid Maxwell from pursuing those matters and would dramatically expand the use of state secrecy. Now the federal judge has to decide whether to adopt her recommendation.

■ The Smoking Finding

Gates's nomination was marked by a hard-to-process mass of details. But among that documentary evidence there is, as Julie Cohen of Pacifica Radio has pointed out, strong proof that Gates lied to Congress at least once.

Gates told the Senate Intelligence Committee that in November 1986, while he was preparing testimony for C.I.A. chief William Casey about the just-emerging Iran/*contra* scandal, he did not realize that a presidential finding had been prepared a year earlier to authorize, after the fact, the C.I.A.'s role in a 1985 arms shipment to Iran. This is no small matter, because in that 1986 testimony Casey deceived Congress about the agency's involvement in the earlier scheme, and Gates has had to dodge the charge that he was a conspirator in that deception. Indeed, if he knew about the finding at the time of Casey's testimony, Gates would be guilty as charged.

Now it turns out, according to statements submitted by two agency attorneys, that he did know. One, Bernard Makowka, says that prior to Casey's testimony he discovered a draft of the finding and passed it to the agency's general counsel, Dave Doherty. Doherty recalls that he handed the finding to Gates. Why would Gates deny knowledge of the finding? From the C.I.A.'s perspective, it was an inconvenient—and explosive—document that would contradict the agency's cover story that it had no idea the November 1985 shipment had contained arms. Clair George, a senior officer under indictment for his role in the Iran/*contra* scandal, once told a C.I.A. agent who had mentioned it to shut up, saying the finding did not exist. If in his confirmation hearing Gates had admitted that he knew of the finding back in 1986, he would be confessing that he stood by as Casey flimflammed the body whose approval Gates is now trying to win. What else could he do but follow the lead of his old boss?

■ B.C.C.I.: A Kissinger Connection?

Influence equals money. That formula was religiously followed by the Bank of Credit and Commerce International. B.C.C.I. signed up Clark Clifford and Robert Altman. It courted Jimmy Carter, his former aide Andrew Young and others. In Miami B.C.C.I. hobnobbed with Jeb Bush, son of George. In Brazil it bagged an ambassador purportedly connected to the king of geopolitical influence, Henry Kissinger.

In the mid-1980s the voracious B.C.C.I. wanted desperately to open shop in Brazil. But that country restricted foreign involvement in commercial banking. Then in early 1986 Ghaith Pharaon, a front man for B.C.C.I., met Sergio da Costa, the Brazilian Ambassador to the United States, in Florida. Pharaon complained about B.C.C.I.'s problem; the Ambassador promised to assist the bank. And help it he did, according to documents obtained by the Senate subcommittee on terrorism, narcotics and international operations. A September 2, 1986, confidential internal B.C.C.I. memorandum outlines a plan whereby da Costa and two other Brazilians would form a Brazilian banking company to front for B.C.C.I. The friendly bankers of B.C.C.I. even offered to provide an interest-free loan of $450,000 to da Costa and another investor so they could put up the money for the deal. The bank also agreed to pay them $370,000 overseas as reimbursement for what was described as tax consequences.

Da Costa left government service and joined the B.C.C.I. team. Another B.C.C.I. memo noted that among da Costa's selling points was his relationship with Kissinger Associates. Kissinger's colleagues at the time included Brent Scowcroft and Lawrence Eagleburger, and da Costa apparently represented an entree to this powerful crowd. How far an inroad B.C.C.I. made is not clear. Kissinger was a paid adviser to the scandal-ridden Banca Nazionale del Lavoro, which did business with scandal-ridden B.C.C.I. But as for da Costa's connection to Kissinger, or any direct Kissinger connection to B.C.C.I., neither erstwhile statesman will say a word.

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Lawyer's Yoke

EDWARD SOREL

I DIDN'T NEED THOSE SENATE HEARINGS TO KNOW THAT A LAWYER HAS TO WATCH WHAT HE SAYS
WHEN I SAID BLACKS ARE RESPONSIBLE FOR MOST CRIME IN THIS CITY, I WAS CALLED A RACIST
WHEN I REMARKED THAT THOSE WALL ST. INSIDE TRADERS WERE JEWS, I WAS CALLED AN ANTI-SEMITE

WHEN I FLATTERED MY SECRETARY ABOUT HER FIGURE SHE PUT ME DOWN AS A SEXIST
AND WHEN I SAID ASIAN KIDS SEEM TO BE SMARTER, I WAS ACCUSED OF "FOSTERING RACIAL STEREOTYPES"
SOME EVEN OBJECTED WHEN I SAID ALL POLITICIANS ARE CROOKS - THEY SAID I WAS BEING "SIMPLISTIC"!

BUT I NOTICED NO ONE OBJECTED WHEN LAWYERS WERE CALLED SLEAZOIDS! NO ONE! ON THE CONTRARY... THEY THEN STARTED TO TELL LAWYER JOKES!
BELIEVE ME, I WAS TEMPTED TO SUE THE BUNCH OF THEM FOR DEFAMATION OF CHARACTER...
...BUT WHAT JURY WOULD BELIEVE A LAWYER HAS ANY?

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ARTICLES.

HEALTH INSURANCE CAPS

Redlining People With AIDS

SARAH HENRY

Howard Jacobs didn't understand how his health insurance could have run out. It was early September of this year and Jacobs, who has AIDS, had just been told by a clerk at his local pharmacy that he had reached his maximum coverage for prescription drugs. Jacobs, no stranger to the byzantine world of health insurance bureaucracies, surmised that his insurer had simply neglected to pay the bill. It was no mistake, however. After wrangling with an insurance agent, Jacobs learned that his former employer, New York City–based Tollman-Hundley Hotels, had recently slashed its lifetime coverage for HIV-related claims from $1 million to $10,000. Jacobs is outraged by the company's new "cap" on AIDS. "I want to scream and yell, 'This is wrong!' " says the 27-year-old, who lives in West Hollywood, California.

Jacobs's case represents a growing trend that is of grave concern to the AIDS community as well as to sufferers of other terminal and chronic diseases. For many workers, it raises doubts about the reliability of their health insurance. In cases being disputed in courts in several states, self-insured companies like Tollman-Hundley have classified AIDS as one of the few conditions they are unwilling to cover fully. Instead, some companies are putting ceilings—sometimes as low as $5,000—on the amount they are willing to pay for treating the disease.

A Tollman-Hundley spokesperson would neither confirm nor deny the policy, but bills from the insurance company that administers the plan state simply that Jacobs's claims have been denied under Code 701—insurance-speak for "maximum benefits have been paid." To date, the company is denying more than $21,000 worth of claims, including a $15,075 bill for a recent hospital stay in which Jacobs battled his fourth attack of *Pneumocystis carinii* pneumonia. Jacobs earns about $19,000 a year; his medical care costs about $2,000 a month. He takes the AIDS-fighting drug AZT and antibiotics, and he needs regular checkups and blood tests. "If this is legal, if there is no recourse . . . that's pretty sad," says Jacobs.

Companies that self-insure pay their employees' medical expenses directly rather than pay premiums to an insurance company. By doing so, they assume the risk of an insurer, although the plans are often administered by insurance companies. A 1990 survey by the employee benefits consulting firm Foster Higgins indicates that 73 percent of large companies are self-insured, as are 44 percent of businesses with fewer than 1,000 employees. According to a recent study cited by the Employee Benefit Research Institute, more than half the companies that converted to self-insurance say they did so to avoid state mandates for certain types of coverage.

Some companies also want to avoid paying for AIDS. In the mid-1980s, reports began surfacing that some insurers were excluding AIDS from individual health insurance policies, according to Benjamin Schatz, an attorney in San Francisco who specializes in AIDS litigation. Some insurance companies have also denied coverage to single men who live in certain ZIP codes or who work in stereotypically gay professions like hairdressing, adds Schatz. Lawsuits brought against these companies have had some success in deterring insurers from such practices, say attorneys who specialize in AIDS litigation. But most insurance companies are allowed to test for HIV and can then exclude people who are positive for the virus on the ground that they have a pre-existing condition. While many state insurance departments prohibit or discourage such exclusions or the placing of caps on AIDS coverage, self-insured companies are exempt from those regulations.

Some managers of self-insured companies say that caps are necessary to protect businesses against annual, double-digit increases in health care costs. Critics charge, however, that these "AIDS only" policies are discriminatory: a kind of medical redlining by disease. "We're in a country where a lot of people still resent people who get AIDS," says Robert Blendon, who chairs the department of health policy and management at Harvard's School of Public Health. "They think it's their fault. So many businesses set policies which say after about six weeks of treatment for AIDS you better either get well or die, because you've run out of health insurance."

In addition, say critics, there is no economic basis for these policies. "Some employers view this as an opportunity to get rid of people who have life styles [they don't approve of]," says one insurance industry manager who asked not to be identified. "It's discrimination motivated by misinformation. . . . I mean, if they're purely motivated by cost, why don't they eliminate coverage for preterm babies? They probably come up just as much as AIDS claims, but everyone is *for* having babies."

Nobody denies that AIDS is an expensive disease; the cost of treating a person with AIDS is about $32,000 a year and the lifetime cost averages $85,333, according to Dr. Fred Hellinger of the Department of Health and Human Services Agency for Health Care Policy and Research. But the cost of treating AIDS is comparable to other chronic or catastrophic ailments that self-insured firms routinely cover. The lifetime cost for a woman with breast cancer is usually more than $52,000; the average bill for a liver transplant is about $145,000; and the lifetime cost of caring for a premature, low-birthweight baby can be as much as $500,000.

Self-insured companies are subject to regulation under the federal Employee Retirement Income Security Act (ERISA), a law enacted in 1974 to protect employee benefit

Sarah Henry is a staff writer for the Center for Investigative Reporting in San Francisco. Research was provided by Kerin Adelson and Marcy Rein.

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plans, especially pensions. ERISA does not, however, require employers to provide specific benefits. "In effect, [ERISA] allows [companies] to discriminate against persons with diseases like AIDS," says Elizabeth Lishner, a Santa Monica attorney who specializes in ERISA litigation. "But I don't think Congress intended the law to be used in that fashion."

It is difficult to determine just how widespread AIDS caps are—companies tend not to advertise such policies. But one insurance specialist who works on behalf of people with AIDS says he knows of about ten industry trusts (benefit plans administered by management and labor) that have put a ceiling on AIDS coverage. "Of course, I definitely believe that there are many others that we're not aware of," says Jacques Chambers of AIDS Project Los Angeles, who adds that he knows of at least twenty people who have lost coverage because of caps. "We only know of the cases where people come forward and make a complaint."

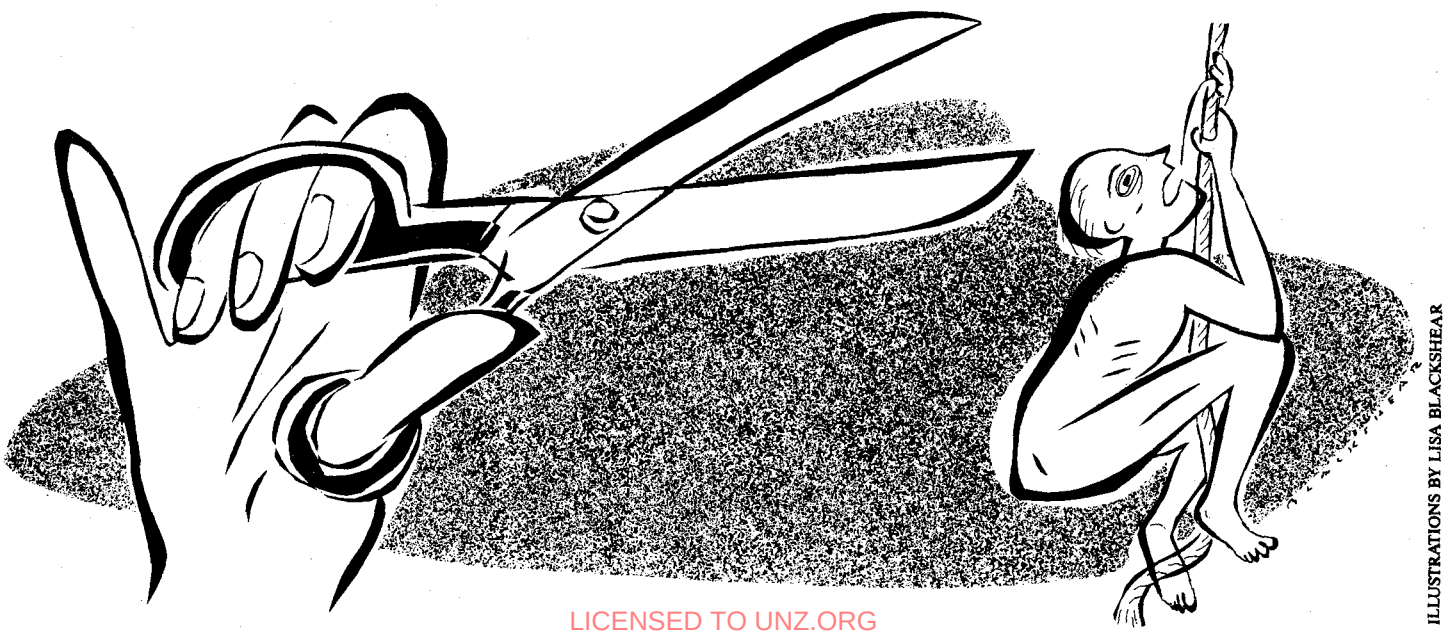
To date, legal challenges against AIDS caps have brought mixed results. Three such challenges are currently on appeal. Although all three plaintiffs have died, these potentially precedent-setting cases now threading their way through the courts are being followed closely by people with AIDS, self-insured employers and civil rights attorneys. In one, Jack McGann of Houston filed suit against his employer, H&H Music, after the company switched to a self-insured plan and cut coverage for AIDS-related claims from $1 million to $5,000. McGann's attorneys argued that the policy violated a provision of ERISA stating that a plan cannot discriminate in offering benefits to employees. "The only one who was hurt, the only one who had their treatment disrupted, was me," said McGann shortly before he died. So far, lower courts have ruled in the company's favor, saying that H&H had the right to change the plan to insure its survival and that "McGann was not entitled to health benefits whose terms never change." The case is on appeal to the U.S. Court of Appeals for the Fifth Circuit in New Orleans.

In a similar case in Indiana, lawyers took a different tack. They successfully argued to the Indiana Civil Rights Commission that Kenneth Westhoven, an engineer with Lincoln Foodservice Products, was discriminated against because he had AIDS and that the disease is a handicap (the state's civil rights law prohibits discrimination based on handicap). Westhoven, who worked for Lincoln Foodservice for seven years, found out about the company's lifetime cap of $50,000 on AIDS-related claims just before he became seriously ill, according to his mother. Attorneys for the company have appealed the ruling to a state court, saying the commission lacks jurisdiction over the case.

In another case on appeal in federal court, employee Richard Owens sued Storehouse, a home furnishing business in Atlanta, after it put a $25,000 cap on AIDS coverage. Despite the official cap, Storehouse continued to pay more than $90,000 of Owens's AIDS-related medical expenses, according to court documents. But not long after, the company enforced the cap because it "absolutely could not afford unlimited liability in terms of AIDS," says Richard Robbins, attorney for Storehouse.

Other employers also insist they are motivated by economic survival—not discrimination—in implementing such policies. "We had to buy what we could afford for the greatest number of people," says William Everitt Sr., chairman of H&H Music. Everitt wrote to employees at the time the cap was introduced, saying, "For every dollar that was received in premium, almost $1.50 was spent in benefit payments. . . . Something drastic had to be done to save the plan. A time for tough decisions has come!"

Advocates outside the AIDS community are also apprehensively watching for decisions on these cases. In Houston, the American Association of Retired Persons filed an amicus brief in support of Jack McGann. "A.A.R.P. is very concerned about any attempts by insurers to limit or exclude by disease category," says John Rother, director of legislation and public policy for the association. "Once you start with one disease, like AIDS, the next step could be Alzheimer's or other chronic conditions. I think that would be a disaster for the people who need help the most." Helen Brattin, an attorney for McGann, agrees with Rother. "Employers are trying this with AIDS first, because the population affected is a vulner-



ILLUSTRATIONS BY LISA BLACKSHEAR

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able one," she says. "If McGann loses, employers and insurers will do the same with other diseases. It will only be healthy people who get insurance coverage."

Some insurance companies that administer self-funded programs are colluding with employers or even suggesting these caps themselves, say critics. But major insurance companies such as Aetna, Prudential and Travelers will not offer or administer plans that contain AIDS-specific caps or exclusions. Indeed, some industry analysts decry the singling out of people with AIDS. "I get calls [about AIDS caps] from self-insured companies all the time—far too often—and I say, 'Why do you want to do this?' " says Jude Payne, a senior policy analyst for the Health Insurance Association of America, a trade group. "I understand that companies are trying to save their rear ends; I appreciate that," continues Payne. "But a lot of them aren't calling me to find out ways to deal with this. A lot of them are going to do it anyway."

'They take your money until you need them.'

Although companies deny that they are discriminating against people because they are gay, some AIDS-cap policies leave little doubt about their intentions. The Laborers Health and Welfare Trust for Southern California, which provides insurance for several building and construction employers and their unionized workers, has a policy that excludes coverage for AIDS or AIDS-related complex unless the person is younger than 13 or became infected through a blood transfusion. Most HIV-positive people are ineligible under these arbitrary criteria, which suggest that people with a certain life style (gays or intravenous drug users) brought the disease upon themselves. "Implicit in [the] statement is that coverage will be provided for the 'innocent' victims of AIDS," wrote Cris Panarites, an insurance counselor with AIDS Project Los Angeles, to the Laborers Trust. He added, "Assessing the guilt or innocence of those infected by HIV is counterproductive and only serves to stigmatize persons in need of compassion and support."

The Laborers Trust cap excludes people like Mike Atkinson, a construction worker with AIDS who owes more than $2,000 in medical bills. "I don't think [the Laborers Trust] should be taking moral stands," says Atkinson, who adds, "I got AIDS because of ignorance. . . . I don't see the union handing out condoms." Laura Miller, his longtime girlfriend, puts it more plainly: "This policy is outrageous." Miller also points out the hypocrisy of the fund's administrators, who, she says, granted an exception to a man who became infected with AIDS from his wife (the woman had contracted the disease through a blood transfusion). An official from the company that administers the trust did not return phone calls seeking a response.

In many instances, employees are not even made aware of these fine-print changes in their policies—until it's too late. Jesse Aguilar, a warehouse worker for an automotive parts outlet in Van Nuys, California, receives his health-insurance coverage through the Automotive Aftermarket Association Trust. Aguilar, who is HIV positive, had no idea that there was a new $10,000 cap on HIV and AIDS treatment until July, when he read through his latest health-benefits booklet. "[The cap] really hit me hard," says Aguilar, who is asymptomatic. "I could use that [money] up in a year if I was to get real sick."

Aguilar is particularly incensed because, he says, if he had been notified earlier he could have applied for coverage through a state risk-pool plan. "Now there are thousands of people ahead of me on the list." A manager with the company that administers the trust did not return phone calls.

While some employers have cut benefits for treatment of chemical dependency and mental health problems, disease-specific exclusions are rare, say insurance industry observers. But in an already hostile climate, and with as many as 225,000 Americans projected to be living with AIDS by 1993, critics say AIDS-related caps foreshadow even tougher times ahead.

These AIDS-exclusion cases, say health-policy experts, highlight one of the gaping holes in the so-called safety net of health insurance—and the flaws in a health care system that leaves so many people vulnerable. Jacques Chambers, who sold health insurance for twenty-five years before he went to work for AIDS Project Los Angeles, says he got out because "I was more and more disillusioned with the health-insurance industry. There was not a lot left I was real proud to sell." Whether relief is in sight is debatable. Lawyers point to the Americans With Disabilities Act, a law whose employment discrimination provisions go into effect next July, as a useful tool in litigating these practices.

Others are less optimistic. As New York Law School professor Arthur Leonard points out, "In the federal courts we've seen ten years now of conservative appointments, and they're going to favor business as opposed to individuals." However the courts rule, litigation is costly and time-consuming. Meanwhile, every day about a hundred people die of AIDS in the United States. Congress, which passed ERISA in the first place, could amend the legislation to include stronger anti-discrimination language, but such an action is unlikely: Capitol Hill observers say the insurance industry and self-funded employers would lobby fiercely against any change.

A universal or national health care plan, which would render self-insured plans obsolete, seems unlikely to happen any time soon. "The insurance companies have blocked every attempt to have universal coverage by saying, 'Don't worry yourself, you're in good hands, our hands, we'll be there,' " says Evan Wolfson, an attorney with the Lambda Legal Defense and Education Fund in New York City, which represents lesbians, gay men and people with HIV nationwide. "They take your money until you need them," adds Wolfson.

"AIDS only" caps illustrate how employers, mindful of the bottom line, are following insurance companies' exclusionary lead. In doing so, they leave out people like Howard Jacobs. Jacobs will soon be covered for his AIDS-related claims through his new job. But he is angry, he says, that his former employer left him stranded without insurance coverage—and with more than $20,000 worth of denied claims—when he need-

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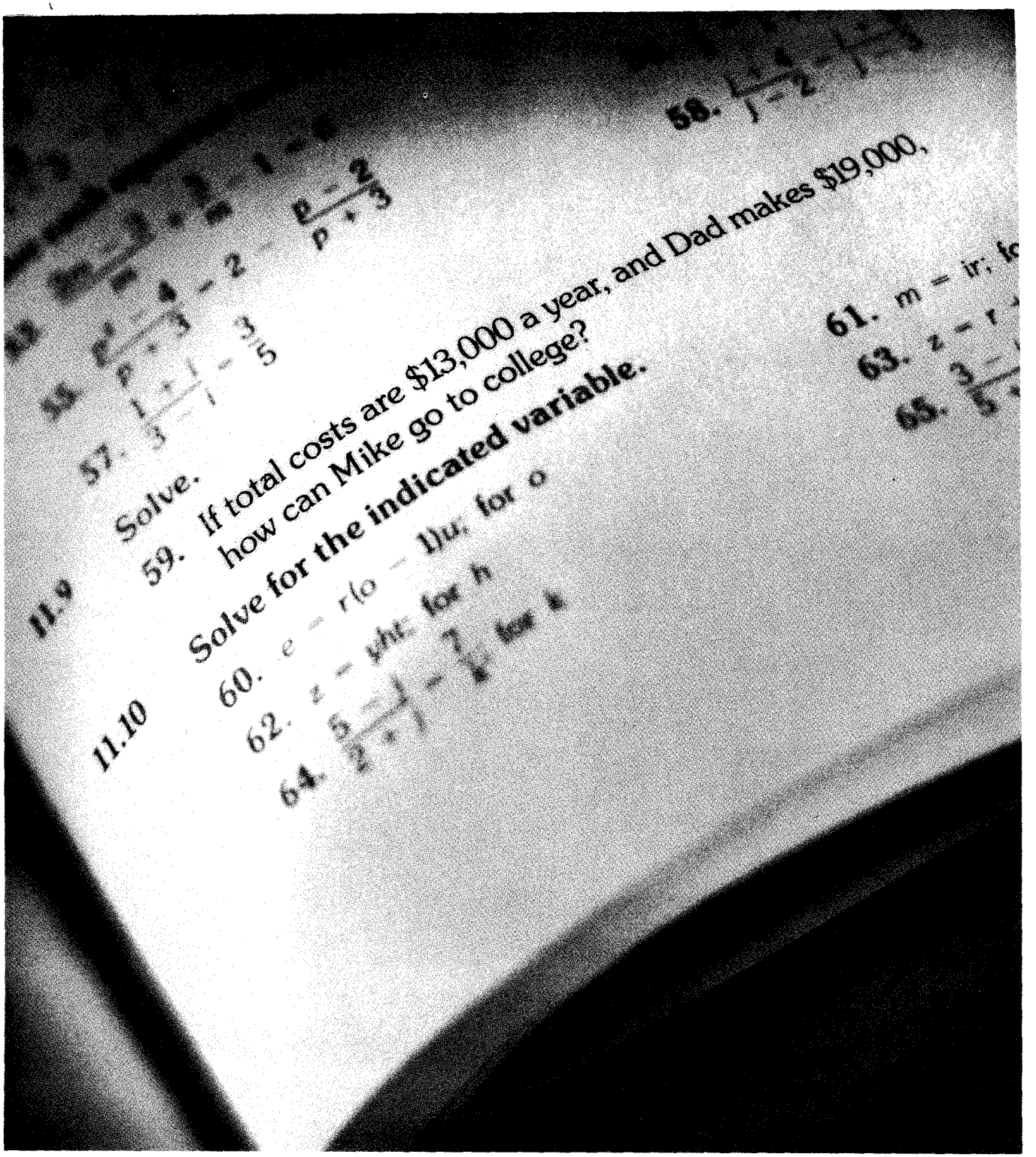
Solve.
59. If total costs are $13,000 a year, and Dad makes $19,000, how can Mike go to college?
Solve for the indicated variable.
60. e = rlo − llu, for o
62. z = yht, for h
11.9
11.10

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ed it most. "I worked for Tollman-Hundley in good faith—I was young and energetic and I gave them my all," says Jacobs. "They didn't live up to their side of the bargain." □

MY SPY

Coming In Out Of the Cold War

AMITAI ETZIONI

At first I did not have any inkling that Bogdan Walewski wanted to involve me in an international intrigue. He introduced himself over the phone as the second secretary of the Polish Mission to the United Nations. He asked to come see me at Columbia University, where I was teaching at the time in 1964. While my main training is in sociology, I was at the time conducting research at the university's Institute of War and Peace Studies and was a member of a faculty seminar on peace that included several diplomats from the U.N. I thought Walewski wanted to find a way to be invited to the seminar (I hated to disappoint him; it was a matter over which I had little say) or to learn about our studies. We had a pleasant lunch. We talked about two new Broadway plays, an exhibit at the Metropolitan Museum and a restaurant that we both had heard was a real find. Walewski was very urbane, a keen listener, excessively flattering and utterly without discernible purpose. I tried once to inquire, discreetly, whether "there was anything in particular about Columbia University that you want to know," but he explained somewhat vaguely that he only wanted to get to know me. Why, remained an unanswered question.

About two weeks later Walewski called again. He was as charmingly ingratiating as before and wondered if he could take my wife and me out to dinner, at the "best restaurant in New York—you name it." This was not something I could afford on my professorial salary. The ensuing chitchat during that second call (not my favorite way to spend an evening) seemed harmless, at worst a small price to pay for what promised to be a sumptuous meal. Explaining that I was not married but shared my life with a woman, I named one of those high-cost French restaurants I had heard about but never set foot in. On the appointed evening the meal did not live up to my untutored expectations, but the conversation proceeded just as I expected: aimlessly, somewhere between light and frivolous.

A few days later Walewski called. His tone was quite different, indeed rather insistent. "I must see you on an important matter," he said. He succeeded in arousing my curiosity, and I did feel obligated after his lavish treat the other evening. The man who shortly showed up in my office was all business. He explained that some months back he had read my

Amitai Etzioni, who teaches at George Washington University, is editor of a new quarterly, The Responsive Community, *and author of* The Moral Dimension.

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article in *The New York Times Magazine* in which I opposed a nuclear force the United States was considering setting up with West Germany. The proposal called for arming twenty-five surface ships with Polaris missiles. Each ship was to carry sixteen Polaris missiles, each missile armed with a one-megaton nuclear warhead; that is, a weapon fifty times more destructive than the ones dropped on Hiroshima and Nagasaki. Also, these missiles could fly as far as 2,875 miles; they could thus easily reach the Kremlin from a submerged position off the French coast.

Walewski's characterization was off the mark in details but essentially correct. *The New York Times Magazine* had published as an article a lengthy exchange between Herman Kahn, at the time the leading advocate of nuclear strategy, and myself, a member of a moderate peace group called the Gradualist Way to Peace. Hanson Baldwin, the military editor of the *Times*, was the moderator. I had just returned from a lecture at the German War College and was considered more informed on the subject than I actually was.

Without going into all the ins and outs, the main idea at the time was that the Germans were growing increasingly fearful that if the Soviet Union were to attack them and no one else, the United States might not use its nuclear arsenal to defend them. The United States sought to thwart any German interest in getting its hands on nuclear weapons. Hence the suggestion was made to create a joint force. (It was dressed up as a multilateral force, in which Italy, the Netherlands and even Luxembourg might participate, but like much of NATO, it was actually going to be largely a U.S.-German force.) I opposed this force mainly because placing Germans anywhere near the nuclear triggers was sure to agitate the Soviet Union without any real gain for the West. I also pointed out that most Europeans (Germans included) were asking for more *consultation* with Americans about policies, goals and tactics rather than for a share in the actual control over nuclear weapons.

Walewski came to my office to ask the favor; it was too important to request by phone. He began by saying that he fully concurred with my analysis of the situation as I had presented it in the *Times*. He called it "keen." He called it "brilliant." His transparent flattery left me uncomfortable. He reminded me that Poles suffered almost as much at the hands of Germans as "you Jews." Then he asked for my assistance. All he wanted, he said nonchalantly, almost in passing, was a document on the U.S.-West German proposal that he'd heard my colleague Richard Neustadt had prepared. Neustadt had been an important adviser to President Kennedy and at the time was serving President Johnson. Johnson had sent Neustadt to Britain to ascertain the view of the new Labor government on the multilateral force before an impending meeting between the President and the new Prime Minister, Harold Wilson. Neustadt's findings, as he later told me, were summarized in "eyes only" reports for the President and the Secretary of State. At the time of Walewski's inquiry I did not know specifically about the nature of the documents, but I understood that Neustadt's mission was very confidential. He had been given leave by the university to do something important for the White House.

It hit me in a flash: I had just been asked to spy! I told my visitor to leave, promising that even before he "hit the door, I will report you to the F.B.I." He rose reluctantly, obviously displeased with his new friend. "Do people know that you are

beyond the slump

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living with that woman?" he muttered. Living with a woman out of wedlock was not as common among professors then, but squealing on this arrangement was not much of a threat. I did not bother to respond. I dialed the F.B.I. and followed my call with a letter.

I expected fireworks to follow, counterespionage agents to come calling and soon Walewski's expulsion from the United States (U.N. staff are not supposed to spy for their country of origin or anyone else). To my surprise the F.B.I. did not respond at all. There was no inquiry—not a single phone call or even a *pro forma* acknowledgment of my letter. Moreover, Walewski continued to serve in the U.N. as before. I had mountains of blue books to grade, children with colds and my next book to worry about. I soon forgot the whole matter.

Years later when the law was changed and one could obtain a copy of one's F.B.I. file, I requested mine. I found there a lot of minor surprises. I learned that the F.B.I. had investigated my "alias"; like many people who immigrated to Israel, I had changed my German name as a child to a Hebrew one. The F.B.I. established that Werner Falk, my childhood name, was "not known in Communist circles." The file contained any piece of information about me someone had sent in, without any evaluation. For instance, it included articles about me in *The New York Times* right next to a statement about me from the *Daily Worker*, a tendentious and unreliable Communist newspaper; it included a postcard from the John Birch Society that branded everyone who signed an ad against nuclear weapons as "communist," without a note that the same card was sent about hundreds of other people, or that those cards were not accompanied by any evidence. And it included my letter about my encounter with Bogdan Walewski, with a notation that I had a hard time deciphering. (When F.B.I. files are released, their text is in part blacked out.)

Stewing over the file, I did something that interfered with C.I.A. work in Warsaw (although I was not to learn that until later). I called up my friend Noel Epstein, who edited the Outlook section of the Sunday *Washington Post*. He readily accepted my article on the oddities and mischief in my F.B.I. file. The article included my story about the encounter with Walewski and the F.B.I.'s inaction in the case. I believe some reporter called up the F.B.I. to ask for its side of the story after my article was published in the *Post*, in September 1977, and got a "no response" and that was that—for thirteen more years.

In July 1990, following the opening of the Soviet Union and Poland, I received a letter from Walewski, about the last person in the world I ever expected to hear from again. The first thing I noticed was the return address: Manassas, Virginia (I had moved to Washington in the years that passed). He wrote:

> This letter may surprise you. I decided to write to you because twice in my life so much depended on episodes that had taken place long ago and we were both involved.
>
> As a result of [a] 1985 exchange I am in the United States (you couldn't know that I was working for *us* for over twenty years) and I am writing a book about my experience. I am a retired man now.
>
> I would appreciate it very much if you could agree to see me (I now am a free man!) and allow me to have a chat with you.

So many feelings surged at once they are difficult to untangle. I had not had the faintest idea, it had never occurred to me, that he was working for the United States. What a vile thing for my government to spy on me. Thank God I reported him to the F.B.I. instead of simply throwing him out of my office. The S.O.B.; he surely tricked me. A government has the right to protect itself from spies, but why would anybody suspect that I would be disloyal? So that was how the F.B.I. concluded that I was "extremely critical of the US foreign policy but not a security risk," and later did not interfere in my getting a job as an adviser in the Carter White House.

I had to hear more about all this. So twenty-six years after our first encounter, I invited Walewski to have lunch. He looked much the same, a bit grayer and heavier, but as excessively gracious as ever. He repeatedly apologized for having tried to "trick" me. He explained that he was recruited by the United States in Vietnam years before he met me. He was finally caught spying for the United States in Poland and served a four-year jail sentence before he was traded for some Soviet-bloc spies.

He finished the story by saying that one day in Warsaw, when he was making a drop, he realized that the C.I.A. did not pick up his material. He retrieved the documents, and asked his C.I.A. handler in Vienna what the matter was. The C.I.A. man, he said, told him about my *Washington Post* article and said that C.I.A. agents were sure he was compromised. Luckily, he said with relief, the Poles did not read that particular Sunday *Washington Post*.

It was odd to sit in the faculty club at George Washington University and talk about C.I.A. drops and Vienna controls without having to look over one's shoulder to check who was within earshot. How he was ultimately caught, Walewski continued, had nothing to do with me. "Read all about it in the book I am writing," he said. We chatted some

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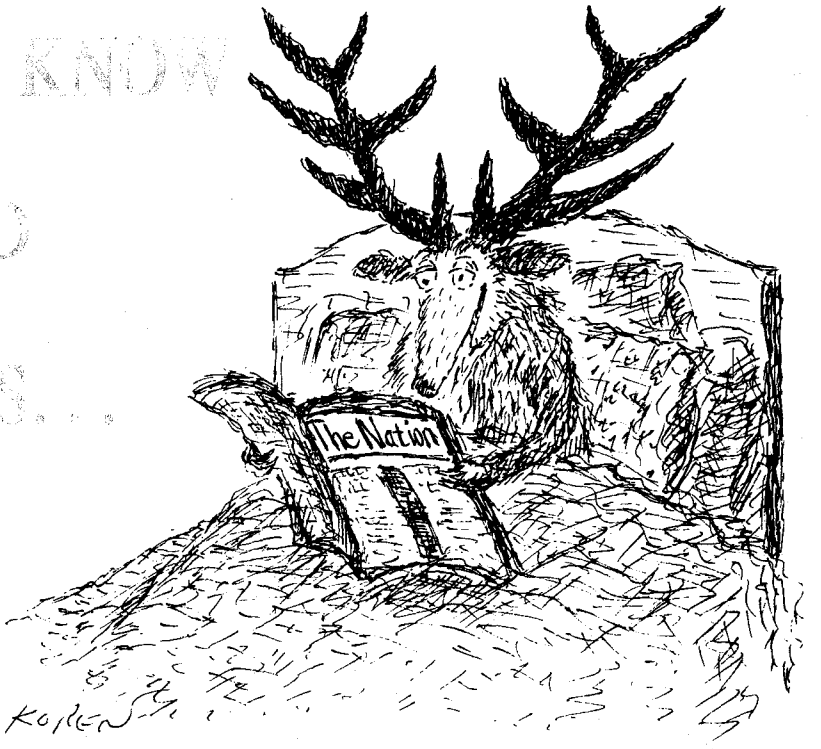

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more. As we said our goodbyes, I could not resist remarking: Is it not a better world in which we write about each other rather than try to ensnarl people into betraying their countries? □

Men of Property

(*Continued From Front Cover*)

to represent; the extent to which some parties are artificial voices from the past, echoing a nationalism that, though reactionary, made some sense when ethnic minorities accounted for one-third of the population but now is simply absurd; the political paradoxes and economic contradictions that suggest the menace of authoritarian rule.

For Those Who Have

Superficially, it is still possible to describe the Polish miracle that wasn't. Warsaw has altered radically, and I sensed it already at the airport, where a taxi driver grabbed me and, as I was to learn, cheated me by doubling the fare while explaining in friendly conversation that the Communists had deprived Poles of the spirit of initiative. The square where my hotel sits, on the border of the former Jewish district, once bore the name of Feliks Dzierzynski, the Polish founding head of the Cheka, the ancestor of the K.G.B.; now it has recovered its prewar name of Banking Square. Next door, the House of Soviet Literature has been replaced by the Ameryka Bank.

Yet the starkest change in terms of symbolism was not apparent until I went to the big building at the corner of New World Street and Jerusalem Avenue. It was there, at the Communist headquarters less than three years ago, that a party spokesman insisted to me that never would a Kuron or a Michnik sit around the negotiating table. Today a flag flies from the building with the initials CBF, standing for Banking and Financial Center. Indeed, all five floors are filled with various firms, including, at the top, a Stock Exchange (or rather the embryo of one, since it quotes only ten stocks). On the ground floor a sculpture of three miners is an odd remnant of the past. The change is symbolic in another sense. Originally, the party building was to be handed to the university for its library; the government opted for the banks. Here is the sign of the new hero: no longer the Man of Iron, the proletarian, nor even the intellectual rebel; instead, the manager with red suspenders and a combination-lock attaché case.

For such people there is plenty to buy. The shopping area around the smart New World and Krakow Suburb streets has changed beyond recognition. It is not quite Bond Street or the Faubourg St.-Honoré; more at the level of Bloomingdale's, with high-class ready-made goods by Pierre Cardin, Yves St. Laurent or Dior, and more to come. Here are foreign products at foreign prices, much more costly for the local population. A person has to wait six months for a Mercedes SEL, which costs 1.4 billion zlotys (roughly $125,000, at about 11,000 zlotys to the dollar), but that's sixty-five years of earnings for a Pole with the average monthly wage of 1.8 million zlotys. Some Poles have reached the stage of conspicuous consumption.

Cosmopolitan Flea Market

The snapshot above is a bit misleading. Shopping, for those who can afford it, has altered throughout the country, also in the suburbs and provincial towns. The lines have vanished, and Poles are glad that they can buy toilet paper and toothpaste when they choose. The shopping revolution, with its invasion of foreign goods, has also taken place at a much poorer level. Until quite recently the best indication of this was to be found around the Palace of Culture, a skyscraper in Stalinist neo-Gothic. It was like the fair around the cathedral in the Middle Ages, with people flocking from various parts of Eastern Europe and selling from bags or suitcases. Now the poorest vendors and the foreigners have been eliminated. Trade is conducted from stalls ranging from metal booths to more elaborate wooden huts, but the imported goods, listed here at random, still read like a Surrealist poem: Brazilian shoes, Italian raincoats, embroidered blouses from Thailand, Turkish knittings and Pakistani jewels, a Korean down jacket, Adidas sports shoes, soap from Germany and detergent from Britain.

But to see the real international flea market you now have to cross the Vistula and go to the main sports stadium. The inner seats are for soccer fans, but the outer tiers are reserved for trading. You pay a thousand zlotys to enter and 20,000 to sell. The Romanians, selling colored pencils or begging, are the poorest. The Poles have stalls and the best spots. The top of the stadium, which I inspected, was dominated by the Soviet contingent. They sold straight from the suitcase—scarves, dolls, boxes, surgical equipment and army uniforms. They came from the Ukraine, from Nizhni Novgorod, from Uzbekistan and distant Mongolia. This Soviet commercial incursion, with a week's wait at the Polish frontier, has prompted all sorts of stories about the Ukrainian or Russian mafia defeating its Polish counterpart, about the transit of cars from Germany or even the Moscow-Medellín connection.

Such rumors I can only echo. On the other hand, I have it from the horse's mouth that the Polish government purposely encouraged consumer imports. It did this by keeping tariffs low (until a rise in September, Polish duties, averaging 3.6 percent, were among the lowest in the world) or by turning a blind eye to smuggled goods or uninspected foodstuffs. The goal was to break the public trade sector, and it was reached: More than three-quarters of Poland's retail trade is now in private hands. But that was achieved at a price. The loss of taxes aggravated the budgetary deficit; imports of consumer goods further depressed domestic production; and to this must be added the cost of moral corruption. As an editor put it to me, a clever student importing bananas could earn in a good day 1.5 million zlotys at a time when a minister was earning 4 million a month and the head of a bank 20 million; so why should he keep studying?

The government's idea was also that some of the vendors would move from the suitcase to the van, to the stall and then to the shop, restaurant or whatever, and to some extent this has happened. For the genuine capitalists, however, I had to look among the really rich, old or new.

Daniel Singer is The Nation*'s Europe correspondent.*

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The Men of Property

The old ones first. President Walesa has his own parallel government. In it the "minister" in charge of giving property back to its former owners is Jerzy Grohman, the right man for the job. He is the heir of Grohman and Scheibler, who had the biggest textile mills in Lodz. He corrects me politely: "biggest in Europe." In his late 60s, the man would fit nicely in a Swiss hotel or an English club. He mentions that among big firms the number of claimants is small because 70 percent of big business belonged to foreign capital before the war, a useful reminder for those who idealize the past. For the time being, rather than introduce his own bill, he is trying to prevent the passage of one concocted by the real Minister of Privatization, and that will not be easy. Walesa the workman may be flattered to have a former big boss on his staff, as he is flattered by the presence of aristocratic ladies to whom he promises the return of their land. Yet he handed over the government to Jan Kryzysztof Bielecki and his fellows from the Liberal-Democratic Congress, and these panegyrists of capitalism want to pass on the factories to their friends, if they can, and to get some money from foreign investors. They are likely to carry the day.

For rich men of more recent vintage I turn to Mieczyslaw Wilczek, the "red millionaire," who had his moment of glory when he was appointed Minister of Industry in the last Communist government. We met in the green bar of Victoria, one of Warsaw's two poshest hotels. He is small, quick-witted and wears gold cuff links. Coming from a modest background, he took degrees in chemistry, law and economics. He registered a number of patents while working for a state detergents firm. Twenty years ago he set up on his own as an "artisan," employing first five, then ten people. By the time he joined the government he was very wealthy. Did Mieczyslaw Rakowski, his Prime Minister, believe that the C.P. could preserve its hold on power during a transition to capitalism, and did he encourage privatization with that in mind?

Wilczek has a curiously split mind. On the one hand, he is grateful to a regime that gave him the possibility to climb, and he argues that Polish development should be compared, not unfavorably, with that of Turkey, Greece or Portugal. On the other, he talks like a boss bashing unions and detesting workers' councils. He sounds quite comical referring to Ryszard Bugaj, leader of Labor Solidarity and the nearest thing to a socialist economist in Poland, as "much worse than the Communists." Yet as a businessman he appears shrewd, putting his money into meat and animal feed and arguing that Poland should look to the hungry Eastern market because for some fifteen years it will not be able to compete in the West.

For a spokesman of the most recent contingent of dollar millionaires I look to the Senator Andrzej Machalski. A philosopher by training, kicked out of his job as a Solidarity activist, he went into business during military rule and then formed his employers' confederation (there are two of these in Poland now, as well as a club of millionaires). Linked with Liberal Democrats, he puts property at the heart of the matter and claims that the state must give it to specific groups "with an active attitude toward capital." Otherwise, his views do not differ from those of Wilczek, whom he would welcome in his confederation.

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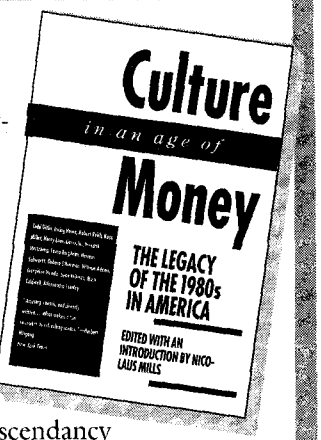

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I mention his attitude concerning the likes of Wilczek because the problem of what to do with the old *nomenklatura* is controversial. The Liberal Democrats but also the Democratic Union, the party of former Prime Minister Tadeusz Mazowiecki and Jacek Kuron, which is tipped to get the highest vote, see no difficulty: The law must be the same for all and, if you want capitalism, you must build it with whom you can—the *nomenklatura*, currency speculators or foreigners. On the other hand, the Center, the party headed by the Kaczynski twins, which helped Walesa to become President but which no longer has his backing, maintains that the country cannot accept men building their fortunes on the position they reached under the previous regime. This position not only has legal inconveniences; it has no moral leg to stand on now that Solidarity can no longer pretend to represent principle and purity. In a transitional system, with legal loopholes and tremendous opportunities, the new regime seems to be staggering from scandal to scandal. To cite the most recent incidents, millions of dollars were made exploiting the slow accounting and poor control of capital movements—in one case, by individuals quickly shifting deposits between banks and getting interest several times on the same amount; in another, by high-level officials of the Fund for the Servicing of the Foreign Debt, who took advantage of the transactions to put money into their own pocket or that of their partners. It was not astonishing, then, that when the head of the Highest Chamber of Control, a watchdog agency dealing with the property of public institutions, died the other day in a car crash, everybody concluded at once that it was a case of murder.

Anyone who has read Marx knows that the builders of capitalism were not angels. But the problem is not the character of Poland's new capitalists. From conversations with practitioners and analysts I draw the conclusion that while pots of money are being made in Poland and some entrepreneurs are traveling in their own helicopters, the development of capitalism on the whole has reached the level of trade and speculation, but not yet that of productive accumulation. And this has something to do with the general climate.

I saw Maggie Thatcher applauded in Poland, but native Thatcherism has lost its former self-confidence. Ryszard Bugaj is no longer alone in pointing out that to forecast an increase in the private sector's share in industry beyond 30 percent over the next few years is doctrinaire presumption; and in stressing that since the crucial task is to relaunch production, this must be done in the state sector. Others are equally aware that if credit were really tightened the economy would go bust. Speculation about Balcerowicz's fate is not surprising. While the economic figures can be argued, the overall trend cannot, and the budgetary deficit now threatens public pensions. No doubt some of the unemployed are working on the side, notably in private trade, but then restructuring has barely begun. The insufficient accounting of the private sector may partly explain the 40 percent drop in two years of both industrial production and real wages. Such qualifications, however, are marginal. Nobody denies that some three-quarters of the population are substantially worse off and angry. A minister facing a crowd at an electoral meeting in an area full of the unemployed tried to pacify the women: "You ladies at least appreciate the absence of lines and the presence of goods in the shops." One woman snapped back, "Thank you, we can now look at the goodies shown in the window."

Polish Paradoxes

I came to see a capitalist class in the making and discovered a series of paradoxes, which must be summed up in shorthand to grasp the situation. The first is the relationship between Solidarity and the working class. Solidarity was originally built by the labor movement in the big plants, in the shipyards and in the mines—the very sectors that are threatened by the sudden acceptance of the international division of labor. Its declining support among workers will be evident in election results now that the union itself has put up candidates under its own banner of Solidarity (not to be confused with the more leftist Labor Solidarity, which is a political party).

The second paradox is linked with farming. The hated Communist regime protected the smallholder; the capitalist market will not. Forty percent of Poland's population live in the countryside and less than 30 percent still work on the land. This was the proportion in France just after the war; there it has now dropped to 6 percent. Nobody likes to be eliminated in the name of economic progress, and the rural vote is one of the unknowns of this poll.

The Catholic Church would require an article on its own. It clearly overplayed its hand, and there is a reaction. A prominent Catholic writer explained to me that the Pope's last journey through Poland was a flop compared with its antecedents. Others reported that the clergy's luxurious parish houses and conspicuous cars antagonize many people. Against this is the fact that the church remains the only truly organized force. Anka Wolicka, a Labor Solidarity candidate in Lodz, showed me documents indicating that Catholic ideologists here have

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Ireland, not Italy, as their model. Visiting a church, I rediscovered the sickening nastiness of the hierarchy's antiabortion propaganda. Will the church, at the last moment, put its full weight behind the most reactionary parties?

Finally, there is a complicated contradiction. Looking through my notes I perceive that almost everybody—the head of a new political institute, the boss of the employers' confederation, Mazowiecki or Wilczek—complained about workers' councils, self-management and the egalitarian feeling of the population. Indeed, the economic spokesman of the ex-Communist Party told me, with tongue only half in cheek, that "Solidarity should have acted as a 'vanguard' and brought to the working class the ideology of conversion to a capitalist market." All this suggested hopefully that the ideals once inspiring Solidarity are still alive and haunting. Against this, here as everywhere in Eastern Europe, there is the repetitive refrain about the absence of an alternative, the uselessness of rebellion, leading to a feeling of explosive impotence.

The cabman bringing me to Warsaw was a preacher of private initiative and an admirer of the new regime. The driver taking me back to the airport, at half the price, was less enthusiastic. Asked why so many taxis stood in line, he explained that "there are now 60,000—more than in New York—because the authorities are accepting anybody. A cabbie, to prove the point, got a permit for his 3-year-old son." The driver is now worse off. Under the previous regime he had the money to buy a new chassis, though delivery was delayed; now he can get one quickly but can't afford it.

"And we're not the worst off," he told me. "My mother-in-law, a pensioner on half the average wage, can't make ends meet; we invite her from time to time for a square meal. Before, it was the *nomenklatura*; now it's the new rich. We ordinary people never get anything." His words reflect the mood better than the slogan scribbled here and there and best translated as "Commies, come back!" The Alliance of the Democratic Left, which includes the former Communists, is not expected to get more than 10 percent of the vote. On the other hand, there are masses of people who curse both the reds and their successors. Without a progressive political outlet, this mood may lead to dangerous outbursts.

Eight days of Indian summer and yet it was a sad occasion. Sad because my formerly leftist friends, now converted to capitalism and trying to compensate by taking a decent stand on national issues, painted an apocalyptic vision of Eastern Europe's future. With Yugoslavia burning, who could deny their gloomy forecast with certitude? The few who remained true to themselves were no more optimistic. When I asked Karol Modzelewski, another leader of Labor Solidarity, if his improvised movement could benefit from popular discontent, he replied skeptically, "We're social democrats now, but has reformism much of a future if Poland goes the way of Latin America?" At the end of my journey it was obvious that the road to capitalism will not be as swift or smooth as many assumed. Paraphrasing Radek on "socialism in a single country," yes, you can build capitalism in Eastern Europe, but heaven or hell have pity on the people, who have not lost altogether their capacity for rebellion. □

Innocent?

(*Continued From Front Cover*)

you promulgated in 1988? I quote it for the record."

"Senator, I'm not sure I recall that specific passage, but——"

"Well, let me refresh your memory. It's the one with the footnote that reads . . ." etc., etc.

Doubtless that Seussian politico, the Specter of Hatch, would have risen at this point to remind one and all yet again that Professor Hill had been terribly dilatory in making her charges public. Here, too, the E.E.O.C.'s Thomas-endorsed guidelines prove instructive: "While a complaint or protest is helpful to charging party's case, it is not a necessary element of the claim. Indeed, the Commission recognizes that victims may fear repercussions from complaining about the harassment and that such fear may explain a delay in opposing the conduct."

Our intrepid Democrat could have nicely followed up his point by citing Commission Decision No. 84-1, which holds that "although charging parties did not confront their supervisor directly about his sexual remarks and gestures for fear of losing their jobs, evidence showing that they demonstrated through comments and actions that his conduct was unwelcome was *sufficient to support a finding of harassment*." [Emphasis added.] Four witnesses at the hearing testified under oath that Professor Hill manifested just such "comments and actions."

Rather than use the E.E.O.C. guidelines as a logical map to help reach a fair judgment, the Judiciary Committee and the press insisted, as always, on finding a smoking gun. Absent such phallic evidence, most interrogators—Senator Ted Kennedy notably excepted—righteously insisted that Thomas must be presumed innocent, a position still being echoed by such commentators as Meg Greenfield in *The Washington Post* and William Safire in *The New York Times.*

A careful reading of the thirty-page guidelines makes clear that such a simple-minded, male-rescuing presumption is not E.E.O.C. policy in all situations. On the contrary, Anita Hill's case against Clarence Thomas was quite strong by the E.E.O.C.'s own ground rules, which make even better reading than *The Exorcist.*

RICHARD POLLAK

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BOOKS & THE ARTS.

Truths and Impediments

JAN CLAUSEN

THE STARCHED BLUE SKY OF SPAIN. *By Josephine Herbst. HarperCollins. 178 pp. $19.95.*

How they clamor, from the exile of their out-of-print novels, their reportage moldering in defunct left journals, their unfinished manuscripts, their hidden correspondence: the rebel women writers who came to prominence between the world wars. They do not go quietly. How could they, with their legacy in danger? Deep-sixed during the McCarthy era, 91-year-old Meridel Le Sueur today enjoys a precarious resurrection made possible by the alternative press movement. Muriel Rukeyser's collected poems have been out of print for years. Zora Neale Hurston died broke and alone, then hit it big in the reputation sweepstakes, becoming an icon for many who would have squirmed at her abrasive living presence.

Now, decades after portions first appeared in small magazines, we have Josephine Herbst's memoirs, printed under the title of one section, *The Starched Blue Sky of Spain*. Or rather, we have a fragment, for at her death in 1969 Herbst left uncompleted a lengthier manuscript. Edited by Ted Solotaroff and with an introduction by Diane Johnson, this brief volume gathers three essays focused on the twenties and thirties that appeared during Herbst's lifetime, plus a hitherto unpublished memoir of her Iowa childhood.

This is a continuation of a modest Herbst renaissance that began with Elinor Langer's excellent 1984 biography and the concurrent reissue of three autobiographical novels, the so-called Trexler trilogy. Those events brought back to public view the radical novelist and journalist who had been eclipsed after World War II, as Herbst struggled with minor-league McCarthyite persecutions, economic woes and emotional disappointments. This lovely book is the measure of an equivocal victory over those and larger impediments to her writing.

Jan Clausen's most recent publications are The Prosperine Papers, *a novel (Crossing Press), and* Books & Life, *an essay collection (Ohio State University).*

A motif with implications for both the substance and form of her memoirs is Herbst's effort to get beneath the gross outlines of the past, the received interpretations both public and personal. In a narrative that is all about her involvement in some of the most celebrated episodes of twentieth-century art and politics, she asserts as her credo: "The real events that influence our lives don't announce themselves with brass trumpets but come in softly, on the feet of doves. We don't think in headlines; it's the irrelevant detail that dreams out the plot."

Herbst mistrusted the crude fixity of conventional memory; she wanted her art to honor the fluid meaning of the lived, shimmering moment.

It is not that she ignored "headlines"; "A Year of Disgrace," about the twenties, is framed by the doom of Sacco and Vanzetti, and each word of the title piece on her 1937 visit to Spain is animated by her passionate commitment to the Loyalist cause. Rather, she mistrusted the crude fixity of conventional memory; she wanted her art to honor the fluid meaning of the lived, shimmering moment. "But is there such a thing as the twenties?" she demands. "The decade simply falls apart upon examination into crumbs and pieces which completely contradict each other in their essences." She reconsiders her snap judgment of a conservative uncle: "It seemed to me both true and superficial, and that . . . there was another stratum, holding its meanings, secret and aloof." Her search for that elusive stratum becomes the book's metaplot.

That quest is linked to her fascination with time and how best to represent it, not as bland chronology but as the unpredictable blend of past experiences in our awareness of the present. She structures much of her account around moments—born of pressure or relaxation—in which clusters of seemingly disparate memories spring to mind, linking two severed regions of her life: her childhood visit to the Oregon coast with her 1930 trip to Russia, her sojourn in Weimar Germany with her grilling during a World War II loyalty investigation. Her time-juggling seems labored in the otherwise captivating childhood piece, "The Magicians and Their Apprentices," but serves admirably elsewhere.

Perhaps both gender and her provincial origins had something to do with the ways in which she was most at home in the role of outsider, even as, inflamed by literature that to her "*was* life, as authentic as bread and salt," she trod a determined path from Sioux City to the intellectual centers of two continents. It was the daughter of a mother accustomed to reading and writing in the kitchen, a batch of jelly bubbling on the stove, who crashed the International Congress of Revolutionary Writers in Russia in 1930 and felt that the arrival of the official delegations rather spoiled things. In besieged Madrid she fretted, with a symbolic frugality worthy of Emily Dickinson, over the shame of eating food that might have gone to the combatants, meanwhile noting how her friend Ernest Hemingway flaunted delicacies scrounged by his entourage.

Herbst conveys all this in prose as spare and nuanced as poetry, a sauce she'd simmered over decades. (The view of the "boys" on the Jarama front in Spain, "stemlike" bodies weirdly vulnerable beneath healthily tanned bodies, echoes the portrait of an ailing farmer from her 1939 novel, *Rope of Gold*.) The dense sensory imagery and the ingenious use of "mooing" in this description of an afternoon's sailing (on Sacco and Vanzetti's execution day, not at all by coincidence) are typical of her style:

> As the sails were so languid, barely moving, the breeze so light, we tacked back and forth with the patience of a spider stitching a fine web. The lazy needlelike movement sometimes lulled me to sleep, but only for a moment. Waking was always the same. You were inside some vast cocoon, and it was sticky with a wetness that soaked the skin. It clung to your hair like damp bees. We might have been alone, except for the sound of the foghorns mooing in the distance of watery pastures.

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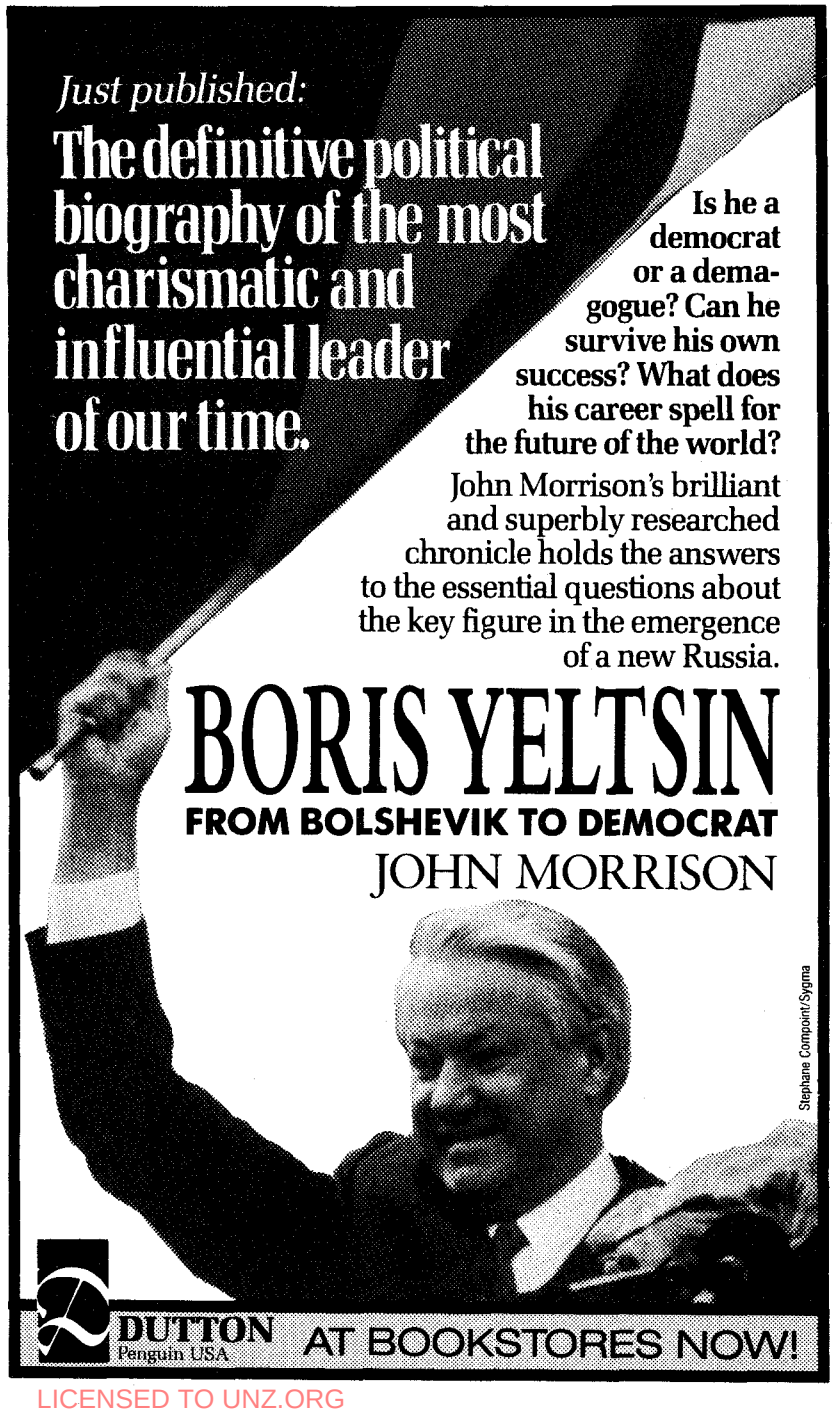
However, a reader's relish of gorgeous prose is dealt a rebuke by Herbst's own youthful world view: " 'The lovely and the beautiful' became for our generation a term of contempt; the grounds for complacency held by the parents, despised." Complacent Herbst hardly is, but in recalling the sprawling depictions of ideological strife and emotional confusion that she dared in her fiction, one begins to notice what she sacrificed for these studied distillations. In *Rope of Gold*, a character makes the still valid point that "sincerity without a program isn't going to make a social revolution." Here she renounces all abstraction: "I don't know anything really about Spain except what came through me and my skin."

As the Langer biography documents, much besides Spain that came through her skin she could not talk about. She had exposed a great deal in *Rope of Gold*, which ends with scenes of abjection closely modeled on the breakup of her marriage to John Herrmann. The memoir is considerably less specific, and contains no trace of her lesbian involvements, about which she never wrote publicly. (According to Langer, her affair with Marion Greenwood in 1932-33 was centrally implicated in the split with Herrmann.) Sexual stigma aside, how could she have afforded to admit the shocking emotional rawness suggested by letters to Greenwood quoted in the biography? ("If I had taken a spoon and scooped you out and crawled into your little hide, I couldn't live more completely in you.") Besides her natural dread of dredging up old pain, we must assume she was aware that such material was unlikely to pass muster with any conceivable audience, certainly not that of the male arbiters of culture like Saul Bellow and Alfred Kazin who championed her work.

Despite all the elisions, enough of the truth about the historical motivations and human texture of the political life is available in *The Starched Blue Sky of Spain* to make it a radical document, not just well-wrought reminiscence. Whether it will be understood as such in the present atmosphere is an interesting question. Diane Johnson's introduction doesn't bode well in this regard; she quotes Hilton Kramer's predictable diagnosis that Herbst was "a Stalinist," which she scarcely mitigates with her condescending view that Herbst's "Marxism seems to have been temperamental, based more on her nature than on social philosophy." Herbst's avoidance of left ideology, as well as her sexual reticence, makes it all too easy to enjoy her stunning prose and her cast of famous literati while ignoring how subversive she really was.

Muriel Rukeyser—also profoundly affected by her brief time under Spain's sky—wrote in a poem about Käthe Kollwitz that if a woman told the truth about her life, "the world would split open." That statement stands for one ideal of art, provoked by the tumult of the world's contending voices, the interplay of levels of experience, the grandeur in chaotic history intersecting private meanings. It was an ideal Herbst pursued in her fiction, but by the time she wrote her memoirs she was after a different truth, an almost spiritual unity glimpsed in emblematic moments like the "celestial" evening she spent with Spanish villagers and soldiers of the International Brigade, remembered as "a kind of enchanted world, which was being kept suspended, like the colors in a soap bubble that may burst all too soon." The irony is that a full response to this vision of paradise depends on our appreciation of the complex emotional and ideological currents she had banished from the enchanted bubble of her art. □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MUSIC.

EDWARD W. SAID

Die Tote Stadt
Fidelio
The Death of Klinghoffer

"The center cannot hold," Yeats said apprehensively and cosmically in "The Second Coming." When the metaphor of a world falling apart is applied to the rather less grand realm of institutions that have put themselves in charge of performances of Western classical music, it is not entirely so bad a thing as that. Still, there is a much greater likelihood of adventure and exploration at the peripheries. Better the Brooklyn Academy of Music (BAM) than the New York Philharmonic or the Metropolitan Opera; and where choice of repertory, if not always successful realization, is concerned, better the New York City Opera than the many *Don Giovanni*s and *Aïda*s across the plaza.

You would therefore actually want to attend (as I did) a rare performance of Korngold's *Die Tote Stadt* at City, though its shamelessly derivative music and the minimal production and stage direction by Frank Corsaro diminished the effort pretty conclusively. I can't help wondering why a good idea has to be left so much to shabby design and lackluster preparation. For most of Act II a sizable group of onstage singers (John Absalom, Stephanie Sundine, Richard Byrne, Charles Huddleston, Fritz Masten) seemed to be standing around, not doing much of anything dramatically except to sing and then stop singing on cue; meanwhile, spectators were forced to endure a dizzying series of slide and film projections supposedly suggesting Bruges and a Freudian story of obsessive love, but in fact making it impossible to distinguish clearly most of what was happening onstage. There is a moderately interesting quasi-Straussian opera lurking within the City Opera's well-conducted (by George Manahan) performances, but it was kept from appearing in all but its most obvious lines—a pity.

Or take the Glimmerglass Opera Company in Cooperstown, New York, whose annual monthlong repertory this year was made up of Beethoven's *Fidelio* (directed by Jonathan Miller) and *Il Rè Pastore*, a very infrequently performed Mozart work, which I was told was *the* opera to see. I could only attend *Fidelio*, but I did not regret the trek up to James Fenimore Cooper country for only one performance. The opera house itself is stunning architecturally, and everything about Glimmerglass suggests that the opera is a community affair not overly concerned about being authoritative or "central." Slowly one can discern an emerging predilection for smallish operas intelligently and tastefully done; it would not be hard to imagine Glimmerglass mounting Fauré's *Pénélope* or Rossini's *L'italiana in Algeri* (scheduled for 1992). One can't expect to see the Met try such pieces very often.

The neoconservative attack on the literary and pictorial arts has also taken a toll in the world of classical music.

Miller's *Fidelio* was an odd, slightly discouraged production, although it is very difficult at this point to do anything particularly new or striking with the piece. *Fidelio* is in many ways not only Beethoven's remorselessly middle-class answer to Mozart's libertine perspectives in the Da Ponte operas but also an attempt to give musical life to a set of abstract ideas about human justice and freedom taken from the French Revolution. An excellent article by Paul Robinson in the March 1991 *Cambridge Opera Journal* argues that so strong was the connection in Beethoven's mind between the events of 1789 and *Fidelio* that the opera's characters and plot are almost completely desexualized and disembodied. You cannot therefore make genuinely believable human beings out of Leonora and Florestan, nor can you do much more than dutifully follow the outlines of a dauntingly austere narrative. I regret that I was unable to grasp Miller's central interpretive point, except that I much commend his wish to give short shrift to the usual affectations and byplay attaching to most productions of *Fidelio*. A ponderously stern and yet streamlined set by John Conklin—bearing an uncanny resemblance to the sort of Benthamite Panopticon memorably described in Foucault's *Discipline and Punish*—left the singers ample opportunity to show off their powers.

This brings us back to the question of opera away from great metropolitan centers like New York and Chicago: The budgets for famous and often theatrically effective singers do not exist. Miller's Leonora was Jeannine Altmeyer, an imposingly handsome woman who first became famous fifteen years ago as the Boulez-Cherau Bayreuth Sieglinde. I gather that she has gone on to do Brünnhilde at Bayreuth and elsewhere, but my general impression is that her star has somewhat faded. She has a huge voice but it does not have much warmth or continuity to it. In Leonora's great "Komm, Hoffnung" aria enormous blasts of sound were followed by sudden dips in volume that were most disconcerting, as if she could only manage short bursts of singing before she needed a rest. But she had a dignity and passion that were moving to me (for all its tremendous weaknesses *Fidelio* has never failed to make its effect, which leads me to wonder whether there can ever be a downright bad performance of it).

Mark W. Baker's Florestan was passable, as was Brian Steele's eccentric portrayal of the usually demonic Pizarro as an unctuous bureaucrat. Neither of them had the voice to dominate a role as, for instance, Jon Vickers or Fischer-Dieskau could, but it's hard to think of heroic tenors and baritones today who would be a real step up from Glimmerglass's. The dearth is everywhere. Rocco, the opportunistic and, I've always thought, unpleasant jailer who is supposed to be fatherly and expansive in his manner, was very well realized by Thomas Paul, who did the best all-round work of the evening. Like Miller's dramatic direction, Stewart Robertson's conducting was intelligently direct, unfussy and antiromantic. But it did not do a great deal to transfigure the proceedings. Beethoven clearly had that effect in mind, especially when Leonora reveals herself and is reunited with Florestan in intoxicating music that presages the Ninth Symphony. His orchestra was not up to such strength, but he did not pace the orchestra enough so as to build inexorably to the massive climaxes.

Nevertheless, Glimmerglass is definitely a place where skill and resourcefulness are at work, largely as a consequence of not being able (and

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therefore not wanting) to imitate the Met. These are not solely aesthetic decisions but, it is pretty obvious, political ones as well. If artists and institutions concerned with the arts are determined not simply to perform musical works but, in the fashion of *The New York Times*, to produce works for some self-established record, another agenda is at work. I do not think it is at all peculiar that precisely those institutions and their supporters who try to produce work for the record, who think of themselves as preserving tradition, banning outrageous experiments, holding the line and so forth, are also the ones who advance a notion of political correctness that makes some of the posturing of the left in this field look pitiful by comparison.

What is more, such efforts have the budgets, command the spaces and own the organs that can make "tradition" into an orthodoxy. Many of the Met's recent ideas about Wagner's *Ring* cycle and *Parsifal*—weighty, grave, "realistic," programmatically unexperimental—are the virtual equivalents of political statements that say that the rich and powerful own aesthetic traditions, in which size, lavish verisimilitude and uncritical replications of the past are an acceptable substitute for rethinking, intelligent experiment and daring conceptions. Thus you can overrule the contemporary, and even the modern, in favor of something much more easily salable and far less "controversial" to boot.

I do not mean to say that there is nothing at the center that is worth having. Of course there is, as I've noted in many columns here. But what I am saying is that not enough notice is taken of how the neoconservative attack on the literary and pictorial arts has also taken a significant toll in the world of classical music. One sees it more easily perhaps in the discourse of music journalism, where astonishing corruptions of language and thought have come to be acceptable. The basic idea is that the best thing about music is that it is (the word turns up with some frequency) "nonideological," so that any attempt to interpret music politically or to introduce contemporary concerns into musical practice is considered an intrusion.

How inadequate such a notion is (which has become received dogma at *The New Criterion* and, to a very large degree, *The New York Times*) was best exemplified last spring in a valedictory article by Donal Henahan, the *Times*'s senior critic, who has since been succeeded by Edward Rothstein. Henahan's negative attitude toward nearly every manifestation of the modern was explained in this article as stemming from his regret that twelve-tone music ever happened. Certainly, as Adorno was one of the first to realize, even twelve-tone music could (and very often did) become co-opted and boring, but bewailing its appearance altogether is rather like regretting the discovery of the law of gravity. It is the fact that music, like society, is subject to change and development that maddens neoconservatives; this has made "musical tradition" into one of those unassailable catch phrases serving profoundly regressive ideas about law and order, mechanical realism and rigid and unimaginative performance style.

The paradox is that opera is supposedly the most "nonideological" of all musical genres, yet it is the most manifestly saturated in and directly influenced by politics, history and social movements. Wagner nonideological? Mozart nonideological? Beethoven and Verdi nonideological? Nonsense, of course. But the phrase has been evident in recent discussions and reviews that have bludgeoned BAM's production of *The Death of Klinghoffer*, with score by John Adams, libretto by Alice Goodman and direction by Peter Sellars. A further irony is that the phrase "ideological" indicates politics that the critic happens to disapprove of, whereas a politics that does not trouble *The New York Times* or *The Wall Street Journal* is construed as "nonideological," and consequently never explained or even discussed.

This is not to deny that, as someone with a considerable personal stake both in music and the modern Middle East, I was greatly disturbed at the prospect of an opera on the Klinghoffer murder. I have long been a critic of Abul Abbas, the Iraqi-supported Palestinian whose gang did the dreadful killing, but I have also been a consistent admirer of Sellars's work, which I have discussed here more than once. Thanks to Israeli propaganda and to the criminal idiocy of a small number of Palestinian desperadoes, most Americans tend to apply the terrorist image to the whole Palestinian people, although since the *intifada* began there has been a change for the better in that odious habit. Yet so ugly and gratuitous was Klinghoffer's killing that one would have thought an opera about the incident was in a sense ideologically predetermined, especially for American audi-

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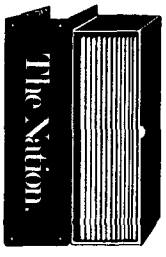

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ences. The question I asked myself before I saw the opera was whether, without distorting events, there was anything Adams-Goodman-Sellars could do with the episode that might shed new light on it, that would not only heighten our awareness of the appalling background from which Palestinians and Israelis draw so much of their anger and continued suffering but also present an interesting aesthetic experience. How would the three collaborators elude the many traps inherent in the raw history and the incredibly embroiled passions that have fed that history for almost a century?

To say (as Rothstein as well as Raymond Sokolov of *The Wall Street Journal* said) that the opera scants or caricatures or reduces or diminishes the Jewish side of the terrorist incident is, I think, a lapse into automatic thinking, into an easy formula that applies neither to the incident nor to the aesthetic experience of the opera. There is no way of palliating or excusing the violence that killed Klinghoffer, and the opera does not try. What the work attempts instead, I believe, is to imagine a frame, a background, a historical and aesthetic envelope for what, in another context, Thomas Hardy called "the convergence of the twain." Strictly speaking, the frame is an accurate one only in a general sense, because Klinghoffer was an American, not an Israeli, tourist; his assailants were Palestinian refugees whose driven, almost possessed sense of mission can be imagined to contrast strikingly with the innocent Klinghoffer's relatively ordinary background and apparently apolitical character. The background is compellingly established with the opera's opening chorus of Palestinian exiles who sing:

> Of that house [in Palestine], not a wall
> In which a bird might nest
> Was left to stand. Israel
> Laid all to waste.

I found this the most musically impassioned and moving sequence in the score, not least because Adams's music unfolds with a majestic calm that in the final strophes of the chorus blossoms into an extraordinary arabesque digression that loops up and down and around a single word with breathtaking continuity, searing the spectator's consciousness with the terrible sadness of it all.

Naturally you would respond to the opera's inaugural sequence (the so-called Prologue, made up of choruses of exiled Palestinians and Jews, plus a sendup of American middle-class life represented by the Rumor family) only if you opened yourself sympathetically to this usually scanted aspect of the Palestinian story. I was certainly prepared for it (since it replicated my own experience), but I do not think my response was entirely an ideological or autobiographical predisposition. The stillness and confidence of Adams's minimalist music was, I believe, at its rarest best in the first chorus, as was Goodman's sober diction. I did not think that level was achieved more than a few times more during the evening. To my taste Adams's minimalism makes itself felt best in meditative or lyrical, rather than dramatic, modes; he clearly does not seem to be able to speak in a very assertive or overcoming musical idiom, although his music for *Klinghoffer* is always expertly laid out. The overall impression I got on this one hearing (I listened to it again a month later on the radio) is that he sounds as if he writes *for* occasions and purposes that stand outside and at a distance from the music; the result is music that generally accompanies (often with a kind of defeated pulsating and arpeggiated repetitiveness) the action, or music that frequently sounds strangely retrospective, vague or only partially convinced of where it is going, or music that (in the Achille Lauro Captain's opening soliloquy) is distracted by the words into relatively short bursts of clarity followed by longish passages of unidiomatically accented recitative. Adams has said that *Klinghoffer* is not a Verdi-style opera but a ceremonial work, rather like the Bach passions; indeed, the three characters played by Janice Felty, a very competent Sellars regular, are commentators on the action, as much as the Evangelist is in the *St. Matthew Passion*.

How many times have you seen a substantial work of art that tries to treat the Palestinians as a tragically aggrieved, albeit sometimes criminally intent, people?

There is no doubt, however, that Adams is an adept collaborator with the librettist and director, whose vision of the struggle over Palestine resonates more with the Arab than with the American-Jewish side of things. In sticking to the American-Jewish, banal, middle-class aspect of the episode Goodman stacks the deck, thereby letting the inherently more dramatic dimensions of the Palestinian tragedy take precedence over, and somewhat unfairly dominate, the senseless killing of the invalid tourist, whose only crime was that he happened to be on the Achille Lauro when the Palestinians boarded it. But as you sit there watching this vast work unfold, you need to ask yourself how many times you have seen any substantial work of music or dramatic or literary or pictorial art that actually tries to treat the Palestinians as tragically aggrieved, albeit sometimes criminally intent, people. The answer is never, and you must go on to ask Messrs.-the-nonideological-music-and-culture-critics whether they ever complain about works that are skewed the other way, or whether for instance, in the flood of images and words that assert that Israel is a democracy, any of them note that 2 million Palestinians on the West Bank and Gaza have fewer rights than South African blacks had during the worst days of apartheid, and that the paeans and the $77 billion sent to Israel from the United States were keeping the Palestinian people endlessly oppressed? And how many times have we heard people say that Cynthia Ozick's insufferably turgid anti-Palestinian polemics are "one-sided," or that when Joseph Papp canceled a Palestinian theater company's performance in 1989 he was also being one-sided? How could anyone complain that a subject like this opera's was *too* ideological when it is perfectly clear that by the same standard most artistic performances at the center are so often overlaid with stereotypical pieties and justified by a whole chorus of politically correct maintainers of the status quo as to be not openly ideological *enough*?

There can be no obligation laid on any performer or artist to replicate the politics of *The MacNeil-Lehrer NewsHour* when it comes to so-called balance and respectability. That Adams-Goodman-Sellars do not even try is a gigantic plus, I think, and they should be admired for it. But by the same token *Klinghoffer* does in fact require a critical look—albeit one based on having seen only one full theater performance—which quickly reveals striking strengths and weaknesses. There is a studiously antibourgeois quality to the whole that is interesting when the work is powerful and strong and far

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less so when it is, in my view, insufficiently forceful because capricious or clumsy. The first of these qualities is contained in what completely dominates the entire performance—that is, Sellars's directorial vision. It is lyrical and dramatic at the same time, but also comic (as opposed to tragic) and oddly formal and ceremonial. In his extraordinarily inventive use of space Sellars is superbly abetted by designer George Tsypin, whose gigantic vertical tubular metal structure, with its various levels and gangways, majestically surveys audience and actors alike.

The chorus weaves in and out of the proceedings, as do the Mark Morris dancers, never more beautifully present as an animating human pulse in the drama than in their work here; a couple of years ago Morris's perverse but markedly ineffective version of Purcell's *Dido and Aeneas* (also at BAM) had impressed me through its narcissism and its unjustified assault on Purcell's deeply mournful score and finely calibrated drama. In *Klinghoffer*, Morris's choreography and his dances are used to double the lyrico-dramatic action, and also to bind together the whole performing space in arcs that flow through the fairly static proceedings. Dancers, principal singers and chorus members are dressed alike in simple, pastel-colored street clothes, varied in the case of the terrorists with colored robes and occasional headdresses.

Most impressive of all, Sellars's direction removes the sense of bloody conflict from the drama. There are seven quasi-Aeschylean choruses interspersed throughout, and in their calm reflectiveness, their cosmically placid awareness of the sacred and the profane, these choruses irradiate and to a considerable degree elevate the action to the level of ritual rather than of history. Nowhere is the transformation from violence to ceremonial passion more striking, however, than when Klinghoffer is killed, an action that first takes place offstage and is then transfigured—that is the only word to use here—in an extraordinary "*gymnopédie* of the falling body," as a dancer's body is slowly lowered from the ceiling until it reaches the stage, where baritone Sanford Sylvan, as the already dead Klinghoffer, lies opposite it.

In effect, then, what Sellars has done to the opera is to provide a mesmerizing formal meditation on historical violence, in which one is able to perceive the waste and tragedy tying the characters together in a new ambience. This is not always consistently successful: As part of the Prologue, the easy satire of a New Jersey suburban family—the Rumors—is supposed to define the Klinghoffers' background as a way of limiting or deflating it. Most of the critics found the scene offensive; they alleged that it was anti-Semitic in portraying the Rumors as representative of the worst kind of consumerism and bargain hunting. Actually, there is no conclusive indication that they are in fact Jewish, but I thought the scene was far too long for what it was trying to do, which I also thought was not so important to do in any case. Some of the longer narrative pieces, for example the Captain's opening soliloquy with his face reproduced on a TV monitor upstage, were too drawn out, given that personage's fundamentally unproblematic character. But on the other hand, the chorus about Hagar that opens Act II, with its magnificent pavane for chorus and dancers, distended the action with just the right degree of accented slowness and formality. It was at this point that I also felt something of the same aesthetic dignity that so distinguishes Gillo Pontecorvo's direction in *The Battle of Algiers*, with his stress on the collective identity (what he calls the *personnage choral*) characterizing all sides of the struggle.

In effect, then, *The Death of Klinghoffer* is grossly political and ideological only in its initial attitude toward the historical givens. The work moves almost quietistically well beyond that in its perception of the Jewish-Palestinian agon, and what it achieves thanks to Sellars's daring is considerable, both in what it risks and in what it gains. The dominant *emotions* of the opera are not strictly speaking political but aesthetic ones, similar to those we derive from Yeats's Byzantium poems or Wallace Stevens's great odes. I suspect that *Klinghoffer* will last as an occasional repertory item, the way Messiaen's *Saint François d'Assise* has lasted, although there is something quite special about this version of the piece, which will only attach to this particular group. Sellars has gotten magnificent performances from Sylvan as Klinghoffer, James Maddalena as the Captain, Eugene Perry as Mamoud (misspelled disastrously), Thomas Young as Molqi (and Jonathan Rumor), Stephanie Friedman as Alma Rumor and as Omar, and Thomas Hammons as "Rambo." There was a special heart-rending precision to Sheila Nadler's final soliloquy as Marilyn Klinghoffer that was formidably moving. And Kent Nagano, the remarkably fluent and responsive conductor,

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held the music together with singular brilliance. But the evening was really Sellars's, rigorously thought through and luminously realized by his remarkable talents. □

MUSIC.

GENE SANTORO

Prince of Darkness

Start by thinking of Miles Davis as jazz's Dante, Cervantes, Tolstoy, Whitman or Joyce. Like theirs, his encyclopedic body of work—forty-plus years' worth—both sums up what preceded it and charges into the future like a clarion call. Although he began his career playing with beboppers, he was never really one of them. Although he ended playing frequently shapeless funkathons, when his health and his chops and his too-often lackluster 1980s bands rose to the occasion he could still light them up with a jabbing run from his incandescent horn. Although he vowed time and again never to go back to his past, the final triumph before his death on September 28 came at the Montreux Jazz Festival, where he played what was, by all accounts, a stunning version of his old collaboration with Gil Evans, *Sketches of Spain*.

So Miles was, like those looming literary figures, a great conundrum as well. Acute as he was about music, in other ways he was, judging by his autobiography (*Miles*), profoundly unreflective [see Santoro, "The Serpent's Tooth," January 29, 1990]. But however distressing and hurtful to the people around him, his impatience and restlessness steered him for most of his career toward upsetting the status quo. The implications of his many revolutions still haven't been fully worked out.

Jazz—like another great American popular art form, the movies—is a collaborative effort. For all his viciousness, Miles knew how to draw his cohorts into his ideas, how to let them take possession of what he wanted to hear. Like Duke Ellington and Charles Mingus, Miles set up a feedback loop that included his sidemen, himself and his musical goals. The difference was that Duke's and Mingus's loops were closed. Ellington, for instance, would take an inspired lick by a Johnny Hodges or a Tricky Sam Nanton and ramify it into an arrangement that would be embedded into the ongoing body of work that was the Duke Ellington Band.

Miles, by contrast, led by indirection. His feedback loop remained open: He waited to hear what would happen and deduce where it could go. Thus his impatience and restlessness—balanced by his ability to listen and by an irascible toughness that eventually became at least partly a mask—helped him become a rare and successful leader. "Don't play none of that bebop shit," or "Lay off your left hand," or "You don't have to plug every hole" were typical remarks he'd make while waiting for his bands to figure out what to make of his sketchy imperatives. For it was his democratic model of leadership—letting his cohorts fill out his skeletal design, then seizing and synthesizing the results and pointing them toward an overall goal—that spawned one stylistic turn after another in a career that spanned nearly half a century, one of the most astonishingly long and productive that jazz has ever seen.

Miles expanded the horizons of what we label jazz: If he was one of its conundrums, he was also a major nexus.

At the center of that career, of course, was Miles's instantly recognizable trumpet: eerily vocalic with its parched, acerbic tone, its elastic sense of space punctuated by note flurries and its occasional dramatic stab into the upper register. The combination, which may have owed more to Bix Beiderbecke than anyone else, made him an alchemical balladeer who could transmute Tin Pan Alley lead like "Bye Bye Blackbird" into burnished gold. It also marked him as one of the first post–Louis Armstrong hornmen to back off from the rush to stratospheric high notes as a sign of virtuosity. Even if that was because, as some have claimed, he simply couldn't hit them, he made a virtuoso's virtue of his limitations, and thus redefined the sound of the jazz trumpet. In the process, he helped expand the horizons of what we label jazz, that ever-growing accretion of stylistic choices. For if Miles was one of jazz's great conundrums, he was also one of its major nexus points.

One of Miles's talents was his ability to synthesize the salient points of a seemingly unbounded musical space that included Charlie Parker, Max Roach, Gil Evans, Tadd Dameron, Charles Mingus, Sun Ra, Bill Evans, John Coltrane, Ornette Coleman, James Brown, Jimi Hendrix, Sly Stone, Prince, Ravel, Debussy, Harry Partch, John Cage, Karlheinz Stockhausen, African sources, technology—it was all the same to him. He took what he wanted from wherever he found it. He once told me, for example, that he wanted Herbie Hancock to lay off his left hand during the mid-to-late 1960s partly because he'd seen an African concert with an mbira that turned his whole conception of piano around. That imaginative talent could be seen as, and could be, opportunistic. But as Stravinsky put it, "Lesser artists borrow; great artists steal."

His restlessness made Miles anathema to many critics and musicians, who deplored his abandonment of bebop and acoustic jazz for the rock- and funk-driven sounds he pursued from the mid-1960s on. On the other hand, that change won him an idolatrous audience among the kids he touched for the first time at venues like the Fillmores. As a result, he became a wealthy man, which inflamed his detractors even more. But though his turn to fusion seemed like treason to those who scorned it, that was only one of a series of watersheds.

Miles came to New York in 1945, ostensibly to study at Juilliard. That, at least, is how he sold the trip to his father, a prosperous dentist in East St. Louis. Instead, he looked for Bird, who roomed with him while he studied bebop firsthand on the bandstands of clubs and at jam sessions. But Miles, who was cheaply dismissive of Parker in his autobiography, never really played bebop and didn't clone Bird's or Dizzy Gillespie's lines the way so many did at the time. That independence and contrast probably made it easier for him to land a gig as Bird's sideman of choice.

On *Bird/Savoy Original Master Takes* (Savoy Jazz), which includes early sessions in which he played with Parker, Miles is clearly hearing different harmonies stacked in different ways. Like Thelonious Monk, his sometime antagonist, like contemporary American composers, he was interested in silence as a component of sound. Although he became perfectly capable of boppish note flurries—that's especially evident on his series of adrenaline-charged live recordings, even as late as the excellent 1964 *Miles in Ber-*

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lin (Columbia)—he more typically chose to halo his spiky lines with silence. So he never got hung up by sheer velocity divorced from soul or ideas—which, ironically, is what happened thirty years later to the fusion epigones following in Miles's wake.

Bebop spoke to the changing realities of postwar life, which was marked by the fact that millions of black Americans had participated in the war effort, gotten real jobs and salaries or been in the armed forces and weren't about to go quietly back to sharecropping. As music historian Martin Williams once remarked to me, "The first time I, as a white Southerner, saw Bird's combo, what struck me even more than the music was the *attitude* coming off the bandstand—self-confident, aggressive. It was something I'd never seen from black musicians before." This new generation was not given to accepting Jim Crow niceties; Art Blakey and Max Roach have both recounted how they directly confronted segregation in ways that were unthinkable for earlier jazzers. Miles came directly out of that experience, and fought against racism in the record industry when he encountered it. It's no surprise to learn that he never really lost his distrust for white people in authority.

Still, the white men who ran (and generally still run) the record industry deemed him a potential leader early on; he was recording with Bird at the ripe old age of 19. But he pulled the first of many stylistic surprises when, taken by the ideas of ex-Claude Thornhill arranger Gil Evans, he became a member of an impromptu musical think tank that gathered in Evans's basement apartment. The 1948-49 nonet that resulted yielded cuts later collected as *Birth of the Cool* (Capitol). *Birth* not only slowed down tempos and featured ensemble passages as much or more than solos—in direct reaction to bebop—but it also became the seedbed for the West Coast "cool" jazz scene and the long-lived Modern Jazz Quartet, whose John Lewis was himself an arranger and player on the sides. As Miles recalled some of the sources for the concept, "Gil gave me an album by Harry Partch in 1948, where there were drums and keyboards that really sounded like what John Cage was doing. He played Ravel for me too."

In what would become a characteristic zigzag, Miles didn't follow up on those innovations himself. Heroin addiction claimed the young trumpeter until 1954, when he went home to St. Louis to go cold turkey—and succeeded. The recordings from this period, many of them collected on *Miles Davis Chronicle: The Complete Prestige Recordings 1951-1956* (Prestige), find his playing uneven and his approach moving toward hard bop, that stripped-down take on Bird that Blakey, Roach and others were also pushing into. As Gary Giddins has noted, it's ironic and revealing that two seemingly antithetical movements of the time, hard bop and cool, stemmed largely from a single source.

The 1955 Newport Jazz Festival marked Miles's return to the front ranks. According to Jack Chambers in his meticulous two-volume biography *Milestones* (Beech Tree Books),

> The public image of Miles Davis was refracted, like an object catching the sun in a clouded pool. He was regarded as inconsistent and undependable, but the addiction that had made him that way was now cured. His records showed him struggling technically and playing indifferently, but he had recently recorded music that was both technically proficient and passionately stated. He was considered by even the well-informed

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fans as a figure from jazz's recent past, but he was actively working at a new aesthetic and surrounding himself with important new sidemen. The gap between public image and reality narrowed almost overnight.

His appearance had critics and fans raving. Suddenly Miles could book his band and was approached by Columbia Records—the beginning of a long-term relationship.

Later that year, Miles began using a little-known saxophonist from Philadelphia named John Coltrane; their earliest recordings, which tug at bop with a reckless abandon that foretold some of what was to come, are also collected on *Chronicle*. Then Miles transferred his recording contract to Columbia, and his band went through a series of personnel changes that eventually resulted in the lineup—Trane, Cannonball Adderley, Bill Evans, Paul Chambers and Philly Joe Jones—that created the haunting, groundbreaking five-tune album called *Kind of Blue* (Columbia).

Miles began to have musicians jam off a script, and then he'd build finished pieces out of tape, like a movie director.

It was the period's capstone. Each piece, organized along different modal principles explained briefly in the liner notes by Bill Evans (which mistakenly reverse the descriptions for "Flamenco Sketches" and "All Blues"), is a classic. Working from those approaches, this amazing band broke open jazz's prison-house of chord changes. Soloists could determine the shapes of their melodies without having to refer back to the same irritating chordal repetition. Along with the pioneering work at more or less the same time by Sun Ra's Arkestra, Mingus's Jazz Workshop and Ornette Coleman, *Kind of Blue* was a glimpse into one of jazz's futures.

The trumpeter resumed his collaborations with Gil Evans for *Miles Ahead* (Columbia), a highly eclectic collection of material. In some ways, it's more musically successful than its more famed outgrowth, *Sketches of Spain* (Columbia), which has since become a touchstone for attempts to fuse jazz phrasings, harmonies and tonal qualities with a classical orchestral scope. The pulses and timbres employed throughout reflect Evans's highly unusual approach to big-band arranging: The rhythms, no matter how syncopated, are always understated, while the instrumental voicings, no matter how strangely tilted toward the bottom end and rare combinations, seem muted, pastel-like, undemanding. It's as if the surface were coated with a deliberately deceptive sheen, a mirrorlike stream in which the superficial listener will hear little but which the deeper, attentive diver can penetrate.

By 1962, Miles felt he had to redirect his music. Hiring a young bassist named Ron Carter, he plugged into a network of younger jazzmen who helped him bring his music back to the cutting edge. Drummer Tony Williams was only 17, but he did for Miles what Elvin Jones did for Trane: took the metrical flexibility the band needed and stretched it even further, relying especially on his cymbal splashes and extraordinarily subtle subdivisions of the beat. Pianist Herbie Hancock, fresh from recording on Blue Note, brought his gnarled melodic conception to the fray when he signed on in 1963. George Coleman lasted the longest of any post-Trane saxophonist during this period; he'd briefly filled in for Coltrane years before, and his fat tone made him a fine foil for Miles's breathy, spare trumpet. For a little over a year, this was the Miles Davis Quintet. The recordings of the period, all live, rely primarily on standards and ballads, Miles's strong points from the mid-1950s, while, characteristically, they virtually ignore his later breakthroughs.

By 1964, Miles had added the last crucial element to his all-star lineup, a young tenorman from Newark. Ironically, Wayne Shorter had been offered the slot by none other than Coltrane four years earlier, when Trane was getting ready to split. Shorter was the perfect fit: His tenor could burn with the rough plangency of Trane's as he snaked his unpredictable lines through more implied chords than any arranger in his right mind would have written. The band's repertory immediately reflected the nature of the shift by dropping the standards and ballads the leader had been leaning on for his post-Trane groups. Everybody was writing—odd, angular, rhythmically supple and subtle tunes that were sharp departures from the preceding four years of water treading, however graceful.

In effect, only now did Miles pick up the musical threads he'd helped unloose with *Kind of Blue*. This quintet developed modally based improvisation to near-ultimate flexibility. The tonalities of their tunes were either ambiguous or constantly shifting; the rhythmic underpinnings swung furiously around a basic 4/4 pulse but overlaid or implied all manner of deviations from the beat, thanks to Williams's cymbals and kick drum. Carter's deep-toned lines spun out tightropes for the soloists to cavort on, while Hancock's undulating accompaniment and conspicuous absences warped, and let his compatriots warp, the ever looser structures. The records of this period are where today's hyped young neoboppers draw much of their inspiration. *E.S.P.*, *Miles Smiles* and *Nefertiti* (all Columbia), with their brilliantly off-center rhythms, coiled ensembles and spiraling solos, have inspired jazzers as diverse as Wynton Marsalis and Bill Frisell.

When *Miles in the Sky* (Columbia) added George Benson for a tune, it signaled that, once again, the winds of musical change were blowing. They started relatively imperceptibly, on albums like *Filles de Kilimanjaro* (Columbia), on which Miles had Hancock play electric piano—causing major consternation among jazz purists of the time, just as other changes would. *Water Babies* (Columbia), recorded during this period but unissued until Miles's "retirement" in 1976, documents yet another step along his gradual transition to what would be called fusion: One side offers cuts from mid-1967 by the quintet, while the other captures some of the earliest of those fusion sounds—mosaics that fit their pieces together by stretching out over increasing lengths of time—by an expanded lineup that included Chick Corea and bassist Dave Holland.

But *In a Silent Way* and *Bitches Brew* (both Columbia) are usually heralded as the birth of fusion, even though it's arguable that earlier rock albums like the Butterfield Blues Band's *East-West* (Elektra), Cream's *Wheels of Fire* (Atco) and Jimi Hendrix's *Electric Ladyland* (Reprise) deserve equal credit. Rock-style beats, heavily electronic instrumentation, a loose improvisational attack and a growing use of studio editing to create jagged soundscapes combined to create a larger

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young audience as well as a new kind of music. Miles, in fact, had been very taken with Hendrix's expansive psychedelic blues and had made plans to work with the rock guitar genius that were foiled only by Hendrix's death. In addition, he'd been listening heavily to the deep grooves of James Brown, the acid funk of Sly Stone, the open-ended forms of Ornette Coleman and the spacy electronic imaginings of Stockhausen.

Collaborating with his longtime producer Teo Macero, Miles knew just what he was doing when he moved the percussive and sonic firestorms he'd unleashed into the foreground on the albums beginning with *On the Corner* (Columbia). Mixed like a rock record, it violated jazz sensibilities by once again using heavy editing to elide deliberately distorted textures into a hypnotic whirl. Miles and Macero had started recording the hornman's groups live during the sixties; Macero actually constructed albums like *Live at Carnegie Hall 1961* (Columbia) from reams of tape. By the time of *Bitches Brew*, Miles's typical studio procedure was to have musicians jam off a basic script of material and then, with Macero, build finished pieces out of tape, like a movie director. Rock groups—Hendrix and the Beatles in particular—had pioneered the process; to jazzers, raised on the ideal of live improvisation, that approach was a violation of the premise that recordings should simply document the musicians' thought processes in real time.

Nevertheless, Miles and Macero continued pushing their method to its limits for *Get Up With It* (which boasts "He Loved Him Madly," Miles's offbeat elegy/tribute to Duke Ellington) and the brilliantly evocative *Jack Johnson* soundtrack (where Macero honed his editing skills to new heights of aural collage). But as Kevin Whitehead's astute notes point out, by 1975's *Pangaea*, Miles's band was able to create the kaleidoscopic sonic collages and dynamics live. That's all the more remarkable when you consider that *Pangaea* is the funkiest, most overtly Hendrixy of these discs—a kind of Hendrix-meets-Trane hybrid, thanks to the presence of guitarists Pete Cosey and Reggie Lucas and saxophonist Sonny Fortune. Along with the rest of Miles's output from this period, *Pangaea* combined with Ornette's work to wield massive influence on the jazz and rock scenes alike.

A wide variety of physical incapacities, including debilitating knee surgery, led Miles to take a long layoff from 1975 to 1981. When he "came back," the fires of exploration seemed quenched. The quality of his music, both live and in studio, trailed off dramatically. Tunes like "Back Seat Betty" (from *The Man With the Horn*, Columbia) are the gold amid the dross. The same inconsistency defined *Tutu* and *Amandla* (both Warner Bros.). And his 1950s fashion-plate image, which had veered into countercultural style with a high-chic flourish during the fusion-and-funk era, exploded into the near self-parody of oversized sequined tops and balloon-seated leather pants that helped breed the neobop revivalists' fierce polemics against him.

What actually underlies the intensity of that reaction is the fear of the broadening of possibilities that Miles achieved. Ironically, he was simply doing what all jazz explorers from Armstrong to Ellington to Bird and beyond have always done: reaching for something new that was his own. But because his career endured, because he didn't die young or record only sporadically, and because he generally refused to dwell in whatever he'd previously carved out, his encyclopedic output threatens the stasis any hierarchical aesthetic demands.

The key concept here is career—a word that reflects some of the nonaesthetic tensions informing his music's history. Miles Davis was that relative rarity, a jazz star with a broad popular following. (Think of how many jazz musicians the average American can recognize by just a first name.) He represented a peculiarly American confluence of celebrity hype and genuine achievement. Like Wynton Marsalis—one of his greatest denigrators and debtors—a decade ago, the very young Miles was groomed to be star material by his record company, the same company (Columbia, now Sony) that records Marsalis.

Not surprisingly, one of Miles's ongoing dilemmas became bridging artistic goals and financial imperatives—both corporate (since C.P.A.s aren't interested in stringing along former hotshots solely on the strength of past glories), and his own (since fame and wealth create their own momentum and needs). The treadmill loomed. By the early seventies, Miles was frantically recording several albums' worth of material a year and arguing with Columbia, which sat on most of it, about releasing it faster. As Chambers observes wryly, "[His] increased production . . . still did not succeed in balancing Davis's accounts with Columbia, at least during Clive Davis's term of office [as president]. 'At no time did Miles ever fully recoup his advances,' Davis says."

In the end, his music paid the price. During the ten years after his "comeback," when he wasn't in the hospital he was usually on the road with bands whose members he'd typically hired on someone else's recommendation, churning out versions of crowd pleasers like his covers of Cyndi Lauper's "Time After Time" or Michael Jackson's "Human Nature." In the studio, he was more passive, as crossover producer-writers like George Duke and Marcus Miller increasingly shaped his radio-ready output.

But none of that should obscure his many and lasting achievements. For most of his career, Miles Davis was an incredible seismograph, a man whose sharp ears registered the sounds of the future as they shuddered faintly on the horizon. Despite his personal vices, like beating women, and his inevitable aesthetic missteps—think of *Paradiso*, the ending of *Don Quixote*, Tolstoy's exhortatory pamphlets, Whitman's self-reviews, or *Finnegans Wake*—he's left that horizon much broader and our culture much richer. □

ELK-HAIR CADDIS

The line I cast
is tied

not only to the fly
but to the elk

who heard thunder
one sunny day

and fell, dumb,
to the hard

Montana earth,
breathing blood.

Such beauty
on the other end

of this violence:
the golden fly

slowly falls
through sunshot air

toward a river full
of reflected trees,

falls and settles
softly on the water

with a shiver.

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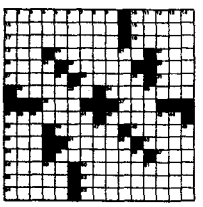

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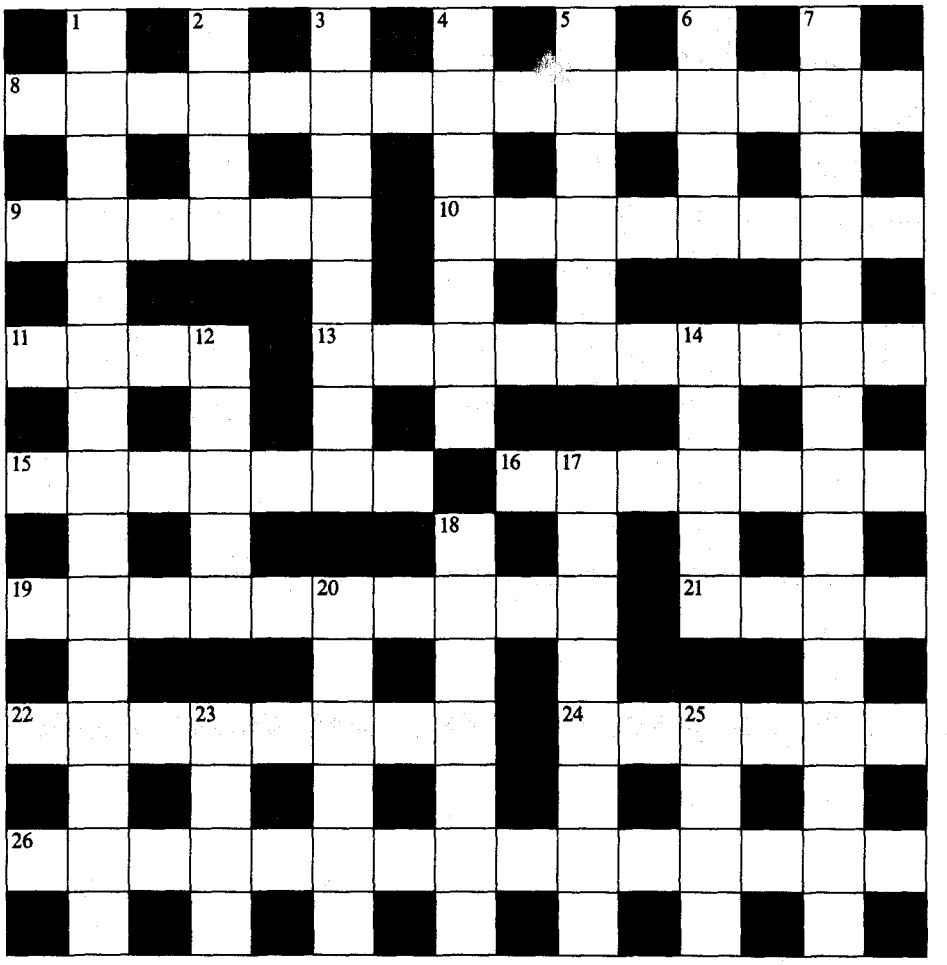

ACROSS

8 Sagan's pretty awful—beware, in classic manner, professional ones who tend to be dark and foreboding, with bats! (8,7)
9 What the elected leader is told they did with Anne B. (6)
10 Proceed on the little stream, like wild animals. (8)
11 and 23 down Accompanying cruiser, perhaps. (8)
13 People like John Stuart Mill, once so confused about where 10 appeared in the films. (10)
15 Ouse to the Cockney allows breakers are necessary with them. (7)
16 Short notice given with a day in Paris, at one point. (Motion may cause people to do it.) (7)
19 Donkeys, to a point, fit certain people to a T but that's a value determination! (10)
21 and 25 down What the desert has, and plenty of it! Diamonds in the rough? (8)
22 How to produce a version of "Saul" or at least symbolic representations of such? (8)
24 He gets the same amount as 25, though they might be considered slavish. (6)
26 Where mighty blows are supposed to put out the lights, as part of an annual celebration? (8,7)

DOWN

1 If you consider "Mets Hot!" you can, and take full advantage! (4,3,4,2,2)
2 and 6 Evidently such a ringer is unhappy in the garden! (8)
3 You might find what a scout is, among other things, and have it be done otherwise. (8)
4 A god is a sort found in musical movements. (7)
5 Pomp, perhaps, in earlier years, but you might consider it a cut above. (4-2)
6 See 2
7 You might so describe scenes in *It Takes a Thief* running consecutively. (3,5,7)
12 Sounds like a beet might be this, or a seed plant. (5)
14 In the fire, they might be an alternative procedure, like certain clubs. (5)
17 You might see a flying one on the stage, though one's pipe and breeches are merely plants. (8)
18 State and British islands, which some consider put-ons. (7)
20 Brown shirt boys ought to be tossed! (6)
23 See 11 across
25 See 21 across

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